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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

C.C., individually and as next of friend to
minor C.L.

Plaintiff,

v.

META PLATFORMS, INC., formally
known as FACEBOOK, INC.; SNAP,
INC.; TIKTOK INC.; BYTEDANCE INC.,

Defendants.

Case No. _____

COMPLAINT FOR PERSONAL
INJURIES

“In these digital public spaces, which are privately owned and tend to be run for profit, there can be tension between what’s best for the technology company and what’s best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users’ health and ensuring that users engage with one another in safe and healthy ways. ... Technology companies must step up and take responsibility for creating a safe digital environment for children and youth. Today, most companies are not transparent about the impact of their products, which prevents parents and young people from making informed decisions and researchers from identifying problems and solutions.”

Protecting Youth Mental Health, The U.S. Surgeon General’s Advisory (December 7, 2021)

Plaintiff C.C., individually and as next of friend to minor plaintiff C.L., brings this action against Meta Platforms, Inc., formerly known as Facebook, Inc. (“Meta”), doing business as Facebook (“Facebook”) and Instagram (“Instagram”), Snap, Inc., doing business as Snapchat (“Snapchat”), and TikTok Inc. and ByteDance Inc. (collectively, “TikTok”) and alleges as follows:

I. INTRODUCTION

A. Plaintiff's Claims

1. This product liability action seeks to hold Defendants products responsible for causing and contributing to burgeoning mental health crisis perpetrated upon the children and teenagers of the United States by Defendants and, specifically for the injuries it caused minor C.L. The injuries proximately caused by Defendants' unreasonably dangerous social media products – Facebook, Instagram, Snapchat, and TikTok – include but are not limited to severe addictions and dependencies, anxiety, depression, lack of focus and lack of interest in non-social media activities, self-harm.

2. Defendants' products likewise caused foreseeable harms to Plaintiff C.C. who did not consent to Defendants distributing or otherwise providing his child with access and was emotionally and financially harmed by Defendants' addictive design and provision of harmful and defective social media products to his minor child.

3. Each of Defendants' products contains unique product features which are intended to and do encourage addiction, and unlawful content and use of said products, to the detriment of Defendants' minor users.

4. These social media products create a "perfect storm" of addiction, social comparison, and exposure to incredibly harmful content and harmful product features. Defendants program and operate their algorithms and social media products more generally in a manner that prioritizes engagement and profits over user safety. This includes designing and distributing inherently dangerous products that appeal to kids, and operating algorithms and other technologies in a manner that promotes and amplifies harmful content.

5. Defendants also advertise their products in misleading ways, assuring parents and the public that their products are safe and fun and that they utilize their technologies to ensure a safe and age-appropriate experience. Nothing could be further from the truth.

6. Plaintiff suffered several emotional, physical, and financial harms as a result—all of which are a symptom of the current health crisis among American youth and, by natural and foreseeable extension, American families, caused by certain, harmful social

media products such as the ones at issue in this case.

B. Defendants Know or Should Know of the Harm Their Products Cause.

7. In late 2021, a Facebook whistleblower disclosed thousands of internal Meta documents to the United States Securities Exchange Commission (the “SEC”) and Congress. The Facebook Papers prove known dangerous designs and design defects as well as operational decisions and calculations, and a causal relationship between use of Defendants’ various social media products in their current form and resulting addiction, anxiety, depression, eating disorders, exploitation and grooming, and what Meta internally refers to as “SSI” (Suicide and Self Injury). While the Facebook Papers originate from Meta, they prove known dangerous designs and design defects as well as other dangers caused by the social media products of both Defendants.¹

8. Defendants have knowledge about the harms their products cause users, particularly teen, child, and other vulnerable user populations, and all Defendants continue to operate those products in a harmful and dangerous manner anyway and in the interest of competing with one another and increasing already astronomical profits. Meta is simply the only one whose documents have been disclosed; even then, Plaintiffs anticipate literal truckloads of additional evidence that will support these claims and show precisely what these social media designers and distributors have done in the name of corporate greed.

9. These Defendants are making calculated cost-benefit business decisions and are consistently prioritizing their already astronomical profits over human life.

10. The harms at issue in this case all arise from Defendants’ product designs and/or inadequate warnings.

C. The Social Media Epidemic Among Children

11. On December 7, 2021, the United States Surgeon General issued an advisory

¹ Examples of the Facebook papers have been published by the Wall Street Journal (<https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/>), Gizmodo (<https://gizmodo.com/facebook-papers-how-to-read-1848702919>), and other publishers, and have been disclosed to the SEC, Congress, and others on a global scale. Plaintiffs expressly incorporate all such documents into this Complaint by reference, which are central and material to certain of Plaintiffs’ claims.

1 cataloging a dramatic increase in teen mental health crises including suicides, attempted
 2 suicides, eating disorders, anxiety, depression, self-harm, and inpatient admissions. Between
 3 2007 and 2018, for example, suicide rates among youth ages 12 to 16 in the U.S. increased
 4 a staggering 146 percent. Several cities across the United States have been experiencing teen
 5 suicide rates in the range of 1 every year or other year, which is an absolute crisis for our
 6 country—the death of a child is something that should be an exception and not a rule. The
 7 incidence of serious depression and dissatisfaction with life in this age group has likewise
 8 increased dramatically, and there is no question that these harms relate in no small part to
 9 companies like Defendants.

10 12. The most significant and far-reaching change to the lives of young people in
 11 the last ten years has been the widespread adoption of social media platforms and
 12 prominently, for purposes of this lawsuit.

- 13 a. The Facebook product, founded in 2004, but not made available to everyone
 14 until September 2006, and designed and distributed by Meta.
- 15 b. The Instagram product, launched in 2010, acquired by Facebook (now Meta)
 16 in 2012, and designed and distributed by Meta.
- 17 c. The Snapchat product, launched in 2011 and designed and distributed by
 18 Snap, Inc.
- 19 d. The TikTok product, launched in 2016 and designed and distributed by
 20 TikTok.

21 13. By 2014, 80 percent of high-school students said they used social media daily,
 22 and 24 percent said that they were online “almost constantly.” Moreover, there are an
 23 estimated 24.5 million teen internet users in the U.S. alone. What this means tens of millions
 24 of U.S. teens (aged 13 to 17) using each of these defendants’ social media products on a
 25 regular basis.

26 14. On information and belief, Meta, Snap, and TikTok all target and market to
 27 teens and children, including children under the age of 13, and are aware that they are
 28 providing their dangerous social media products to children under 13, but deliberately

1 designed their products in a manner intended and that does make it easier for these underage
2 users to open social media accounts. In some cases, they have even made it easier for
3 underage users to open multiple accounts on the same app.

4 15. Users under the age of 18 make up a significant percentage of all social media
5 users in the United States and represent Defendants' only significant opportunity for growth
6 due to saturation of the adult market. Meta, Snap, and TikTok see them as a gateway for
7 other potential users, that is, they use minors to recruit parents and adult relatives as well as
8 younger siblings – including pre-teen siblings Defendants are not permitted provide accounts
9 to but to whom Defendants do provide accounts, by simply refusing to verify age and
10 identification on the front end and then by turning a blind eye where possible. On information
11 and belief, U.S. teens also are the most lucrative age group for each of these Defendants
12 when it comes to advertising revenue.

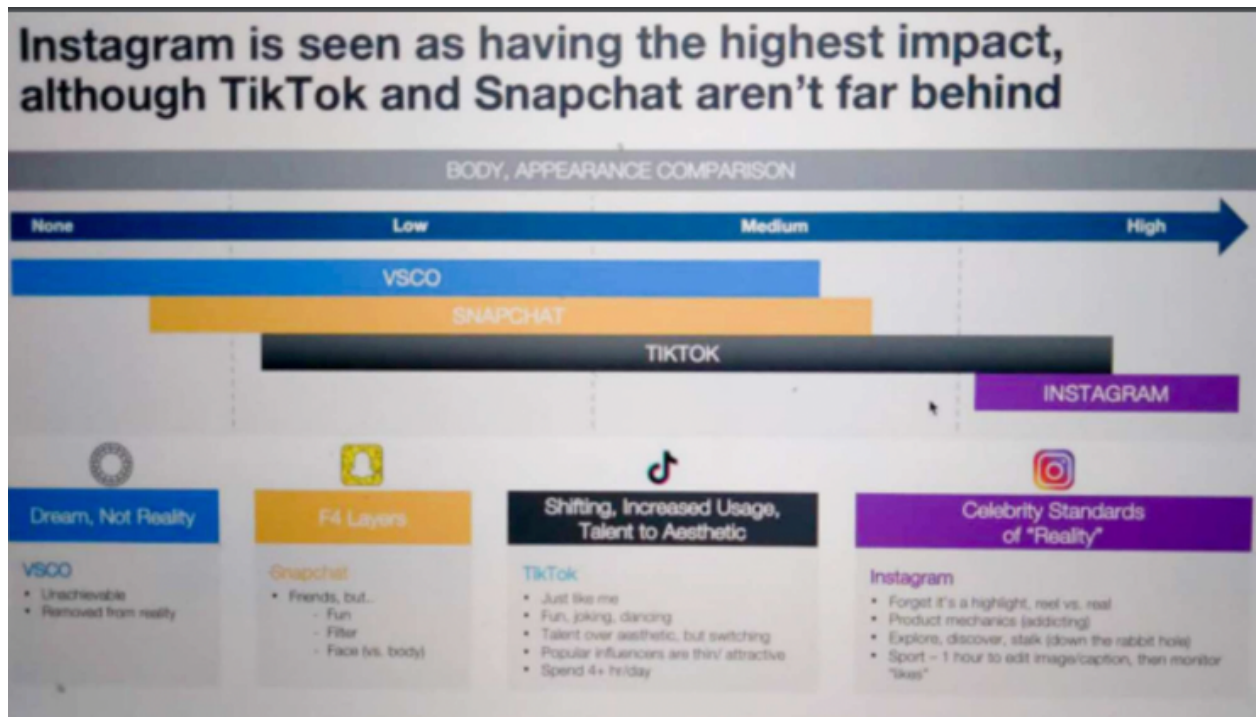
13 **D. Disparities Between Public Statements and Harm to Children**

14 16. Peer reviewed studies and available medical science have also identified a
15 particular type of social media and electronic device use associated with major mental health
16 injuries, including depression, self-harm, eating disorders, suicide attempts and ideation,
17 dissatisfaction with life, depression, and sleep deprivation. Large observational studies and
18 experimental results also point to heavy use of certain social media products as cause of
19 increased depression, suicidal ideation, and sleep deprivation among teenagers, particularly
20 teenage girls. Meta, Snap, and TikTok have spent years publicly denying these findings—
21 while internally confirming them.

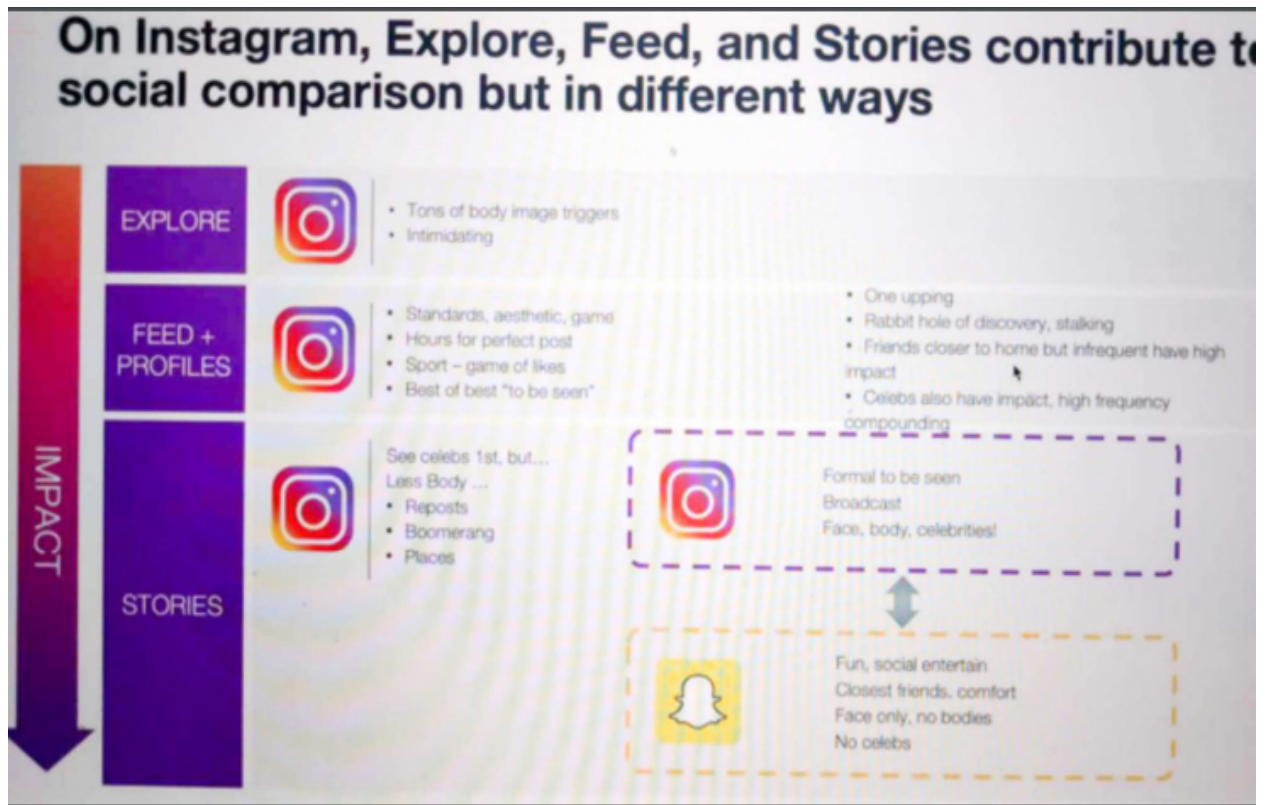
22 17. Meta, Snap, and TikTok have denied for years that their products are harmful
23 or addictive while, in fact, their products are harmful and addictive, facts that the social media
24 industry has been aware of for years. Meta, Snap, and TikTok knew the truth and chose to
25 conceal it and not disclose to the public or parents of young users, as Defendants knew that
26 such disclosure would prevent them from further growth and development of these products
27 and product features.

28 18. In Meta's case, for example only, the Facebook Papers include years' worth

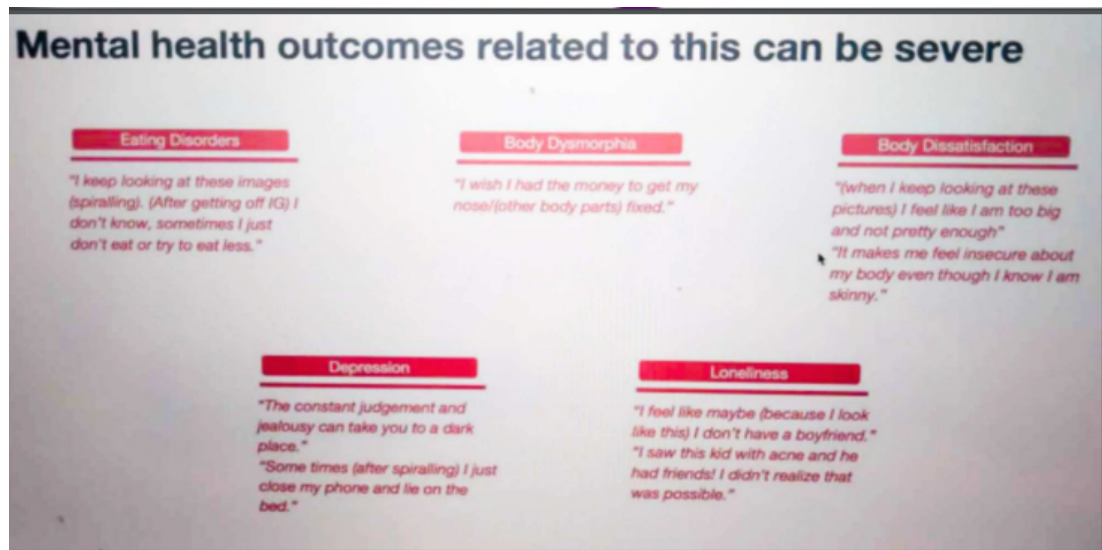
of studies and reports discussing the fact that Meta’s social media products are addictive and harmful, and that use of those products can and does lead to serious mental health issues in a significant number of users, including things like anxiety, depression, eating disorders, and SSI. This includes research confirming that higher engagement (i.e. more sessions and/or time spent over a certain threshold) causes higher negative effect for users, and other hallmarks of addiction (referred to by Meta as “problematic use”). In late 2019, Meta conducted an “exploratory study” in the United States, aimed at examining “Teen Girls Body Image and Social Comparison on Instagram.”² These studies confirmed that certain features contained in Meta, Snap, and TikTok’s social media products make certain social comparison-based harms worse for a significant percentage of teen girls. See, supra, “Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the US,” p. 29 (referring to its own product mechanics as “addicting” and noting that TikTok users often spend more than four hours on TikTok every day).



² See <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf>



Id. at p. 29, 30. More to the point, Meta knows that “Aspects of Instagram exacerbate each other to create a perfect storm.” Id. at p. 33 and 34. According to Meta, the “social comparison sweet spot” (id.)—a place of considerable harm to users, particularly teens and teen girls—lies at the center of Meta’s product model and product features,



Id. at p. 33 and 34.

19. The type of harms described in the Facebook Papers relate to specific product mechanisms and product features. Meta, Snap, and TikTok have designed each of their products to contain unique product features which are intended to and do encourage addiction, and unlawful content and use of said products, to the detriment of Defendants' minor users and their families.

20. Defendants also know that their recommendations and other product features,

1 that is, features whereby Defendants promote and/or send content to users and otherwise try
2 to connect users who, in fact, are often complete strangers, result in disproportionate harms
3 to vulnerable users including children and teens. Yet Defendants continue to reap
4 astronomical profits at the expense of these users.

5 21. For example, each of these Defendants has a “friend” and/or “follow”
6 recommendation feature in their social media product. This refers to a feature whereby
7 Defendants recommend to users other users they may “want” to friend or follow, with the
8 intent that these users will then connect via a friend request mechanism, direct messaging,
9 and similar product features meant to increase engagement among users. These
10 recommendation systems serve the singular purpose of making more money for Defendants
11 in that they are meant to keep users engaged through connections, which connections are
12 suggested, prompted, and encouraged by Defendants. But also, which connections involve
13 complete strangers and where Defendants’ own recommendation systems frequently make
14 and perpetuate harmful recommendations.

15 22. These recommendation systems do not add to the functionality of these social
16 media products but serve the singular purpose of making more money for Defendants in that
17 they keep users engaged through connections—again, connections suggested, prompted, and
18 encouraged by Defendants and not requested by users themselves. But as these defendants
19 also know, their product frequently makes recommendations and/or connections involving
20 complete strangers and minors as well as recommendations that promote, amplify, and
21 perpetuate incredibly harmful content.

22 23. As it relates to their minor users, Facebook, Instagram, Snapchat, and TikTok
23 know that these recommendation and promotion systems cause harm and that these harms
24 could be avoided in multiple ways unilaterally (that is, by fixes to Defendants’ own platform
25 and irrespective of content). Defendants simply choose to not fix the known defects in their
26 social media products, or provide warnings to users, because doing so would hurt their
27 engagement, growth, and revenue.

28 24. Meta, Snap, and TikTok also know that their products are contributing to teen

1 depression, anxiety, lack of focus, suicidal ideation, self-harm, suicide, and other mental
 2 health harms. Why don't they change these harmful product features and stop utilizing
 3 algorithms in connection, at least, with teen accounts? Because Defendants' top priority is
 4 growth and competition concerns, and Defendants see "acquiring and retaining" teens as
 5 essential to their survival.

6 25. Teenagers and children spend significantly more time on social media than
 7 adults (both total time and user sessions—which are usage patterns linked to addiction),
 8 represent Defendants' greatest (if not only) growth opportunity in the US, and can be used
 9 by Defendants to recruit older and younger family members and friends. Advertisers also
 10 pay a premium for the time and attention of teenagers on Defendants' platforms.

11 26. Meta, Snap, and TikTok also know that their social media products are widely
 12 used by children under the age of 13. Despite it being illegal for Defendants to knowingly
 13 permit persons under the age of 13 to use their platforms, Meta, Snap, and TikTok have spent
 14 millions (if not billions) of dollars over the last decade studying "tweens" to determine how
 15 to make their products more appealing to and increase engagement among them. Defendants
 16 see children under 13 as a tappable and valuable market, which they must capture for revenue
 17 and long-term competitive positioning. See also
 18 <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html> (insiders
 19 report knowledge of underage users posting and TikTok's failure to act).

20 27. The reality is that children are a priority demographic for Meta, Snap, and
 21 TikTok and that they will do anything to increase and maintain engagement among them.
 22 On October 26, 2021, the New York Times reported on a 2018 internal Meta marketing
 23 report lamenting loss of teenage users to competitors' platforms as "an existential threat."³
 24 Defendants spend billions on these recruiting efforts, and do not care that they are harming
 25 children and teens in the process.

26 28. Defendants go so far as to study brain and identify vulnerabilities and other

27
 28 ³ <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>

1 areas where they can adjust their products and approach to appeal more to the teen
 2 demographic. For example, in December of 2021, Insider reported on an internal Meta
 3 document titled “The Power of Identities: Why Teens and Young Adults Choose Instagram.”
 4 It is clear from this document that Meta, and its competitors, are marketing to children and
 5 teens – including in ways meant to exploit the differences between teens and adults.

6 29. Identified among Meta’s internal documents are other product features that
 7 cause harm to teen users, which product features are relatively standard among Defendants’
 8 products. For example, product features that enable users to like or love other user’s content
 9 results in increased addiction and social comparison harms, which Meta considered hiding
 10 for the benefit of its users (referred to as “Project Daisy”) but ultimately did not.⁴

11 30. Another example is Direct Message feature possessed by Defendants’ social
 12 media products, and lack of restrictions when it comes to teens and children. Defendants’
 13 products do something no other product does: they encourage children and teens to use their
 14 product, then they make those children and teens accessible to strangers (for example, by
 15 permitting public profiles and/or viewing of content posted by these children and teens), then
 16 they provide predators with a direct means of communication (Direct Messaging features)
 17 that is both unfettered and, according to Defendants, unmonitored. In fact, Defendants
 18 monitor and/or have the technology needed to detect critical harm areas, such as sexual
 19 exploitation, bullying, and even underage use.

20 31. On information and belief, Defendants are incredibly guarded when it comes
 21 to the types of data they collect, to the point where they will not even disclose certain, critical
 22 information to parents and/or police and other law enforcement upon request.

23 32. In the case of Defendant Snap, its product is even more harmful in this regard
 24 because of its disappearing design. The Snap product is designed in a manner that encourages
 25 and enables such abuse, which dangerous and defective design serves Snap’s economic
 26 interests by increasing its user base. For example, one common pattern among predators—
 27

28 ⁴ See <https://www.nytimes.com/2020/01/17/business/instagram-likes.html>

1 which Defendants know or should know about—is to find children and teens on Instagram
2 and encourage them to open or move the discussion to Snapchat, as it is generally understood
3 that it is easier to get away with child exploitation and abuse through Snap’s disappearing
4 message feature.

5 33. At the same time, Defendant Snap’s disappearing design and marketing of
6 that feature is particularly harmful to teens who rely on Snap’s representations when taking
7 and sending photos, only learning after the fact that recipients have means to save photos. In
8 the case of sexually explicit photos taken of and sent by minors, on information and belief,
9 many of those photos ultimately are distributed and sold or offered for sale to adults on and
10 off Defendants’ social media platforms.

11 34. Defendants are aware of the harms resulting from certain of their product
12 designs and features and are aware of product changes that would make their social media
13 products safer for young users, and that would make them safer for minor plaintiff C.L. Meta,
14 Snap, and TikTok refuse and/or disregard such safety measures, however, in the name of
15 corporate profit and engagement. Meta, Snap, and TikTok are unwilling to risk losing
16 popularity and engagement among teen users, even if it means causing affirmative
17 (sometimes fatal) harm to other teens and children as a result.

18 35. For example, Meta, Snap, and TikTok products include features that enable
19 users to like or love other user content, which features result in increased addiction and social
20 comparison harms.

21 36. One example includes access features each defendant has and makes available
22 even in the case of minors. For example, instant messaging where Defendants not only
23 proactively recommend connecting with certain users, but then knowingly provide adult
24 users and other strangers with unfettered access to children and teens.

25 37. Defendants know that teens are more vulnerable and suffer harms from use
26 of their social media products at higher rates than adult users. Defendants also know that
27 teens access social media longer and more often than adults

28 38. Advertisers are willing to pay a premium for unfettered access to child and

1 teens users so Meta, Snap, and TikTok, in turn, work hard to make their social media products
2 as appealing and addictive to children and teens as possible, even though it knows that they
3 are harmful to children and teens.

4 **E. Defendants' Focus on Profits Over Safety**

5 39. Meta, Snap, and TikTok know the harmful impact their social media products
6 have. Instead of warning users and/or re-designing their products to make them safer,
7 however, Defendants choose enhancing profits over protecting human life.

8 40. Large numbers of Meta, Snap, and TikTok users are “addicted” to these social
9 media products. Indeed, the problematic use identified in medical literature is precisely the
10 type of use Defendants have designed their products to encourage through psychological
11 manipulation techniques—sometimes referred to as persuasive design—that is well-
12 recognized to cause all the hallmarks of clinical addiction.

13 41. Defendant Meta slowly switched its News Feed (in its Facebook and
14 Instagram products) from maximizing time-spent to maximizing sessions, even though it
15 knew that maximizing sessions is harmful to its users. Defendant Meta also knows that its
16 “like” button causes harmful social comparison, and results in anxiety and depression in
17 teens, and Meta leadership ultimately rejected recommendations to launch Project Daisy (in
18 its pure and effective form) due to the risk of a slight engagement decrease. Meta documents
19 show that Meta has repeatedly refused to protect its users from harm for fear of offending
20 other users, decreasing teen engagement, and/or losing advertiser revenue as a result.

21 42. Meta programs its algorithm for engagement, despite knowing that this results
22 directly in the promotion and amplification of harmful content.

23 43. Defendant Snap has designed product features that serve no utility but that
24 help children and predators hide harmful content from parents and authorities, and that
25 promote illegal and dangerous behavior. It’s failure to enforce its one account rule further
26 promotes and amplifies bullying and other unwanted interactions, making it impossible for
27 victims to escape the ill effects of the Snap product. Defendant Snap also has implemented
28 inherently addictive and dangerous product features, such as Snap Streaks and various

1 trophies and unknown rewards systems, meant to hook teens at any cost. Likewise, it has
2 implemented various inherently dangerous features, non-communication features over the
3 years, such as Snap Cash and Snap Maps.

4 44. Defendant TikTok has designed and implemented inherently addictive
5 product features, as well as technologies that go above and beyond standard algorithms
6 utilized by many of its competitors. It knows or has reason to know when underage children
7 are utilizing its social media product, exposes children to unwanted interactions through
8 direct messaging features, and works to addict children to its product by any means
9 necessary.

10 45. Ultimately, Defendants all have control over their technology and product
11 design and how it is used and implemented. In all cases, they can choose to keep users safe
12 but, instead, Meta, Snap, and TikTok have chosen to make their products more popular and
13 more accessible – at the cost the health and wellbeing of young users. Defendants know that
14 their products are harmful and dangerous, could make them less harmful and less dangerous,
15 but opt instead for attracting and retaining new users.

16 46. On information and belief, Meta, Snap, and TikTok all represent to users and
17 parents that they utilize technologies to keep users safe when, in fact, they have only
18 implemented such technologies to a limited degree. These technologies do not require
19 content moderation, but rather, function automatically and as part of the product itself.
20 Moreover, these measures are only made necessary because of the content Defendants
21 themselves are directing. Defendants can stop themselves from recommending and directing
22 young users to violent, harmful, and disturbing content, and they can utilize their
23 technologies to keep a significantly higher number of users safe than what they are currently
24 doing.

25 47. Meta, Snap, and TikTok are perfectly capable of enforcing their own Terms
26 of Service, Community Standards, and other guidelines. They can adjust their selected
27 controls in a manner that would better protect their users, especially children and teens, from
28 certain, significant harms promoted and caused by Defendants' product features, user setting

1 options, recommendations, and algorithmic-driven product features. Yet, Defendants
2 repeatedly choose profits over human life, which is not a choice Defendants have the right
3 to make.

4 48. On information and belief, Defendants Meta, Snap, and TikTok do not
5 employ adequate safety controls in the development of their social media products and
6 product features and, once invested in and/or launched, do not address safety issues as those
7 become known.

8 49. This is the business model utilized by all Defendants – engagement and
9 growth over user safety – as evidenced by the inherently dangerous design and operation of
10 their social media products and as will be supported by internal records belonging to each of
11 these defendants. At any point any of these Defendants could have come forward and shared
12 this information with the public, but they knew that doing so would have given their
13 competitors an advantage and/or would have meant wholesale changes to their products and
14 trajectory. Defendants chose to continue causing harm and concealed the truth instead.

15 **F. Overview of Claims**

16 50. Plaintiff brings claims of strict liability based upon Defendants’ defective
17 design of their social media products that render such products not reasonably safe for
18 ordinary consumers or minor users. It is technologically feasible to design social media
19 products that substantially decrease both the incidence and magnitude of harm to ordinary
20 consumers and minors arising from their foreseeable use of such products with a negligible
21 increase in production cost.

22 51. Plaintiff also brings claims for strict liability based on Defendants’ failure to
23 provide adequate warnings to minor users and their parents of danger of mental, physical,
24 and emotional harms and sexual abuse arising from foreseeable use of their social media
25 products. The addictive quality of these products and their harmful algorithms are unknown
26 to minor users and their parents.

27 52. Plaintiff also bring claims for common law negligence arising from
28 Defendants’ unreasonably dangerous Instagram social media products and their failure to

1 warn of such dangers. Defendants knew, or in the exercise or ordinary care should have
 2 known, that their social media products were harmful to a significant percentage of their
 3 minor users and failed to re-design their products to ameliorate these harms. Defendants also
 4 failed to warn minor users and their parents of foreseeable dangers arising out of use of their
 5 social media products.

6 53. Plaintiff also brings claims under California's Unfair Competition Law
 7 ("UCL"), Cal. Bus. & Prof. Code, §§17200, et seq. The conduct and omissions alleged herein
 8 constitute unlawful, unfair, and/or fraudulent business practices prohibited by the UCL.

9 54. Plaintiff also brings a claim for unjust enrichment. Defendants received a
 10 direct benefit from problematic and harmful use of their product. Under the circumstances
 11 stated herein, it would be unjust and inequitable for them to retain those ill-gotten benefits.

12 55. Finally, Plaintiff brings a claim for invasion of privacy. Defendants' conduct
 13 detailed herein frustrated and intruded upon Plaintiff's fundamental right to protect his child
 14 and to monitor and control her use of social media, and this intrusion occurred in a manner
 15 that was highly offensive to a reasonable person

16 56. Plaintiff's claims do not arise from third party content, but rather, Defendants'
 17 product features and designs, including but not limited to algorithms and other product
 18 features that addict minor users, amplify and promote harmful social comparison,
 19 affirmatively select and promote harmful content to vulnerable users based on their
 20 individualized demographic data and social media activity, direct harmful content in great
 21 concentrations to vulnerable user groups, put minor users in contact with dangerous adult
 22 predators, enable and encourage minors to hide harmful content from their family and
 23 friends, encourage and facilitate exploitation and abuse of minors through marketing,
 24 recommendation and messaging features, and data policies involving the concealment and/or
 25 destruction of information necessary to the protection of minors, and otherwise prioritize
 26 engagement (and Defendants' profits) over user safety.

27 II. PARTIES

28 57. Plaintiff C.C. resides in Louisiana with his minor child, C.L. C.C. has not

1 entered into any User Agreements or other contractual relationships with any of the
2 Defendants herein in connection with C.L.'s use of Defendants' products and disaffirms all
3 agreements that his child may have entered with Defendants. Thus, Plaintiff is not bound by
4 any arbitration, forum selection, choice of law, or class action waiver set forth in any such
5 agreements.

6 58. Defendant Meta Platforms, Inc., formerly known as Facebook, Inc., is a
7 Delaware corporation with its principal place of business in Menlo Park, CA. Defendant
8 Meta Platforms owns and operates the Facebook and Instagram social media platforms,
9 application that are widely available to users throughout the United States and in California

10 59. Defendant Snap, Inc. is a Delaware corporation with its principal place of
11 business in Santa Monica, CA. Defendant Snap owns and operates the Snapchat social media
12 platform, an application that is widely marketed by Snap and available to users throughout
13 the United States and in California.

14 60. Defendant TikTok Inc. is a California corporation with its principal place of
15 business in Culver City, CA. Defendant TikTok owns and operates the TikTok social media
16 platform, an application that is widely marketed by TikTok and available to users throughout
17 the United States and in California.

18 61. Defendant ByteDance Inc. is a Delaware corporation with its principal place
19 of business in Mountain View, CA. Defendant ByteDance owns and/or operates TikTok Inc.,
20 and owns and/or operates the TikTok social media platform, an application that is widely
21 marketed by TikTok and available to users throughout the United States and in California.

22 **III. JURISDICTION AND VENUE**

23 62. This Court has subject-matter jurisdiction over this case under 28 U.S.C. §
24 1332(a) because the amount in controversy exceeds \$75,000, and Plaintiffs and Defendants
25 are residents of different states.

26 63. This Court has personal jurisdiction over Defendants because they are each
27 headquartered and have their principal place of business in the State of California. Venue is
28 proper in this District under 28 U.S.C. § 1391(b)(1) because Defendants Meta, and

ByteDance's principal places of business are in the Northern District of California (in Menlo Park and Mountain View, California) and Defendants Snap and TikTok are residents of the State of California.

IV. DIVISIONAL ASSIGNMENT

64. The case is properly assigned to the San Francisco Division pursuant to Civ. L. R. 3-2(c)–(d) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in San Mateo and Santa Clara County, where Defendants Meta and ByteDance maintain their primary places of business.

V. FACTUAL ALLEGATIONS

A. Meta and its Facebook Product

65. Facebook is an American online social network service that is part of the Meta Platforms. Facebook was founded in 2004, at which time, Facebook was nothing like the product it is today. In fact, when Facebook was first founded, only students at certain colleges and universities could use the social media product – and verification of college enrollment was required to access the social media product. This verification mechanism was a product feature having nothing to do with communication or operation of the Facebook social media product.

66. In 2005, Facebook expanded and became accessible to students at twenty-one universities in the United Kingdom and others around the world. Meta launched a high school version of its Facebook product, which Meta CEO and majority shareholder, Mark Zuckerberg referred to as the next logical step. Even then, however, high school networks required an invitation to join.

67. Facebook later expanded eligibility to employees of several companies, including Apple Inc. and Microsoft. On December 11, 2005, Facebook added universities in Australia and New Zealand to its network and, in September 2006, Facebook opened itself up to everyone. At the time, Facebook claimed that it was open only to persons aged 13 and older and with a valid email address, however, on information and belief, Facebook made the decision to no longer require verification of age and/or identity and did not actually verify

1 user email address, such that underage users could literally enter nonsense email addresses
2 and would be provided by Meta with access to a Facebook account.

3 68. Meta's history proves that Meta knows how to implement product features
4 meant to restrict access to persons above a certain age or even employed in certain industries
5 and at certain companies. Meta's initial audience was limited to college students and older,
6 but in 2006, Meta made the deliberate, business decision to instead begin distributing its
7 product to everyone in the world with wi-fi access, regardless of the consequences.

8 69. Facebook then underwent a series of significant product changes, aimed at
9 increasing user engagement and product growth, but again, without regard to user safety. To
10 name only some examples,

- 11 a. In February 2009, Facebook launches the "like" button.
- 12 b. In August and October of 2011, Facebook launches Facebook
13 Messenger.
- 14 c. In September 2011, Facebook increases the character limit for status
15 updates from 500 to 5,000 (and later to 63,206) and starts allowing
16 people to subscribe to non-friends.
- 17 d. In January 2012, Facebook starts showing advertisements in its news
18 feed, called Feature Posts at the time.
- 19 e. In June 2012, Facebook launches Facebook Exchange (FBX), a real-
20 time bidding ad system where advertisers can bid on users based on
21 third-party websites visited by the users (as tracked by a cookie on the
22 third-party website).
- 23 f. In June 2013, Facebook launches Stickers.
- 24 g. In March 2014, Facebook's facial recognition algorithm (DeepFace)
25 reaches near-human accuracy in identifying faces.
- 26 h. In April 2014, Facebook launches anonymous login so people can use
27 its product without giving Facebook their data.
- 28 i. In March 2015, makes clear that it wants to be an integrated bunch of

1 apps, each fulfilling a somewhat different role. At the time, the
2 company's leading applications include Facebook (its main app),
3 Messenger, and externally built and acquired apps like Instagram and
4 WhatsApp. Facebook announces changes to Facebook Messenger to
5 make it more of a platform, things like a new real-time comments
6 system, embeddable videos, and spherical video.

7 j. In June and July 2015, Facebook makes changes to its news feed
8 algorithm, including use of information on how long people hover on
9 a particular item to gauge levels of interest, in addition to activities it
10 was already using (i.e. likes, comments, shares) as part of its algorithm
11 and to determine what content to show Facebook users.

12 k. In August 2015, Facebook launches its live-streaming product

13 l. In April 2016, Facebook launched more tools for Facebook apps and
14 Facebook Live; in addition, it is now considering the time that a
15 person spends reading content off Facebook as part of its news feed
16 algorithm process.

17 m. In November 2016, Facebook launches games for its social media
18 product, so users can play without having to install new apps.

19 n. In November 2017, Facebook launches Facebook Creator, which is an
20 app for mobile video posts that helps with content creation.

21 o. In November 2007, Facebook launches Facebook Beacon, which is
22 part of Facebook's advertisement system that sends data from external
23 websites to Facebook for the purpose of allowing targeted
24 advertisements and allowing users to share their activities with
25 friends.

26 70. Throughout these product changes, re-designs, and launches, Facebook
27 founder and CEO, Mark Zuckerberg, made public statements assuring the world that safety
28 was Meta's (then Facebook) top priority. For example, in February of 2017, he made a post

1 on his personal Facebook titled “Building Global Community,” in which he talked at length
2 about how Meta is focused on safety, how it intends to use its AI to the fullest to keep users
3 safe, and how amazing Facebook is for bringing communities together, promoting critically
4 important social groups, and other statements that we now know to be untrue, and profoundly
5 dangerous, given what was actually happening at Facebook and what Mr. Zuckerberg knew
6 about the harms his products were causing American youth.

7 71. In 2017, however, Meta employees were already reporting to management
8 that Facebook was causing harmful dependencies. Meta was already marketing to children
9 under 13, despite clear legal mandates that it could not allow children under 13 on its social
10 media product. And Meta leadership, Mr. Zuckerberg himself, was actively rejected
11 proposed re-designs intended to minimize the harms to child and teen users, users like minor
12 plaintiff C.L.

13 72. Meta’s recommendation-based feeds and product features were promoting
14 harmful content. Meta’s algorithms are programmed to prioritize number of interactions and
15 not quality of interactions. Worded otherwise, Meta promotes and amplifies content based
16 on engagement objectives and not the health and well-being of their users, which renders its
17 social media products inherently dangerous and defective, particularly when used by teens
18 and children.

19 73. Over the years, Meta employees have offered countless suggestions and
20 recommendations as to product changes Meta could make to better protect its users from the
21 harms Meta products cause. And over the years, Meta leadership has declined, delayed, or
22 outright ignored the vast majority of those in favor of its own financial and growth-related
23 interests.

24 74. Meta also, at the same time CEO Mark Zuckerberg was touting the
25 importance and helpful function of Meta’s group recommendations algorithm, was
26 recognizing the massive number of truly harmful and horrific groups on its social media
27 platform – and the fact that its algorithm was directing users, including children and teens,
28 to these harmful groups. That is, these children and teens would never have been exposed to

1 such harmful content but for Meta's systems and its programming of those systems to
2 prioritize engagement over user safety.

3 75. More recently, Meta has conducted studies relating to social comparison
4 harms. See, e.g., supra, "Social Comparison: Topics, celebrities, Like counts, selfies" and
5 "Appearance-based Social Comparison on Instagram." One of the goals of these types of
6 studies is to identify the types of algorithmically identified promoted content most harmful
7 to social media users, and the degree of harm that content causes. Meta identified those
8 categories, but ultimately determined that the promotion of such content is a large part of
9 what makes social media products appealing to teens. Meta decided against changing its
10 current product as a result. In other words, the promotion of harmful content has become so
11 central to Defendants' business models that Defendants regularly opt to conceal the truth and
12 continue harming users instead of making their products safer and less harmful.

13 76. Facebook profile and privacy settings also cause harm. Users' profiles on
14 Facebook may be public or private, which is a product feature over which Meta exercises
15 complete control. On public profiles, any user can view the photos, videos, and other content
16 posted by the user. On private profiles, the user's content may only be viewed by the user's
17 followers, which the user must approve. At all times relevant, Facebook profiles were public
18 by default and Facebook allowed all users to message and send follow requests to underage
19 users. But even now, when Meta claims that it is defaulting certain categories of users on
20 certain of its social media products into private profiles, all a user need do is change the
21 profile setting and, once again, Meta will allow all users to message and send follow requests
22 to underage users. Meta can protect users from this specific harm, can do so immediately,
23 and chooses to not do so as a matter of engagement and growth.

24 77. Permitting public profiles for underage users serves no critical purpose in
25 terms of product functionality but, instead, it increases user engagement during onboarding
26 (when a user first starts using a social media product) by increasing user connections and
27 generally by providing all users with greater access to other users, in this case, irrespective
28 of their age. Unfortunately for young children and teens, a numerically significant percentage

1 of those would-be connections are harmful. Defendants are aware of these harms and have
2 opted to not make necessary and cost-effective changes to prevent it.

3 78. Meta’s Messenger settings also permit and encourage harm to “vulnerable”
4 users. Harmful and dangerous interactions occur because of the Facebook Messaging
5 product, which is integrated with the Facebook app. Specifically, Meta’s chosen settings
6 provide predators and other bad actors with direct and unsupervised access to children and
7 teens. Meta knows that Direct Messages is where most unwanted interactions happen, for
8 example, things like bullying and sexual exploitation of minors. Meta simply does not care
9 enough to change its product settings, because it knows that changing them would also have
10 a negative impact on engagement and, potentially, ad revenue.

11 79. Meta’s push notifications and emails encourage addictive behavior and are
12 designed specifically to increase use of its social media products. In the case of Instagram,
13 Defendant Meta collects individualized data – not just about the user, but also about the
14 user’s friends and contacts – and then selects content and notification frequency for its users
15 and notifies them via text and email. Meta’s notifications to individual users are specifically
16 designed to, and do, prompt them to open Instagram and view the content Instagram selected,
17 increasing sessions, and resulting in greater profits to Instagram. More to the point, even the
18 format of these notifications has been designed and re-designed with the specific purpose of
19 pulling users back onto the social media platform—irrespective of health or wellbeing.

20 80. Facebook also incorporates several product features that serve no
21 functionality purpose, but that do make Meta’s product more appealing to children and teens,
22 such as “likes” and in-app games, while simultaneously increasing social comparison
23 pressure and resulting harm. The harm from these product features does not relate to a single
24 “like” or filter, or any specific series of content or potential content. Rather, it is the product
25 itself. Meta knows that these product features disproportionately harm teen girls and young
26 women.⁵

27 _____
28 ⁵ See, e.g., the documents disclosed at <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Appearance-based-Social-Comparison-on-Instagram-.pdf>, *supra*.

81. Facebook also creates images and GIFs for users to post on their videos and pictures. Meta has also acquired publishing rights to thousands of hours of music, which it provides to its users to attach to the videos and pictures that they post on Facebook. The GIFs, images, and music are integral to the user's Facebook post and are, in fact, designed to encourage posting. Indeed, in many cases, the only content in a user's Facebook post is the image, GIF or music supplied by Meta. When users incorporate images, GIFs, and music supplied by Meta into their postings, Meta is functioning as a co-publisher of such content. A Facebook user who incorporates images, GIFs or music supplied by Meta into their post is functionally equivalent to a novelist who incorporates illustrations into their story. Instagram can no longer characterize the images, GIFs, and music it supplies to its users as third-party content, just as the novelist cannot disclaim responsibility for illustrations contained in their book. Meta has made the deliberate decision to collaborate with its users in this regard and, as evidenced by Meta's internal documents, Meta's decision is motivated by the fact that such collaboration results in increased engagement and more profits for Meta itself.

82. Meta directly profits from the content its users create in collaboration with Meta, as described above.

83. Meta knows that it is harming teens yet, when faced with recommendations that will reduce such harms, Meta's leadership consistently opts for prioritization of profit over the health and well-being of its teen users.

84. Millions of teen users use Meta's inherently dangerous and defective social media product every, single day.

B. Meta and It's Instagram Product

85. Instagram is a photo sharing social media application. Its original focus was to facilitate communication through images by featuring photos taken on mobile devices. Instagram launched in October 2010 and Facebook acquired it for \$1 billion in April 2012. Once acquired, Instagram experienced exponential growth, design, and development changes. It went from 10 million monthly active users in September of 2012 to 50 million

1 weeks after the acquisition, to more than 600 million by December of 2016, and it continues
2 to grow. Meta instituted dozens of product changes (also known as “growth hacks”) that
3 drove this increased engagement, but at the expense of the health and well-being of
4 Instagram’s users—especially teens and children.

5 86. Meta’s recommendation-based feeds and product features promote harmful
6 content. Meta’s algorithms are programmed to prioritize number of interactions and not
7 quality of interactions. Worded otherwise, Defendants promote and amplify content based
8 on engagement objectives and not the health and well-being of their users, which renders
9 their social media products inherently dangerous and defective, particularly when used by
10 teens and children.

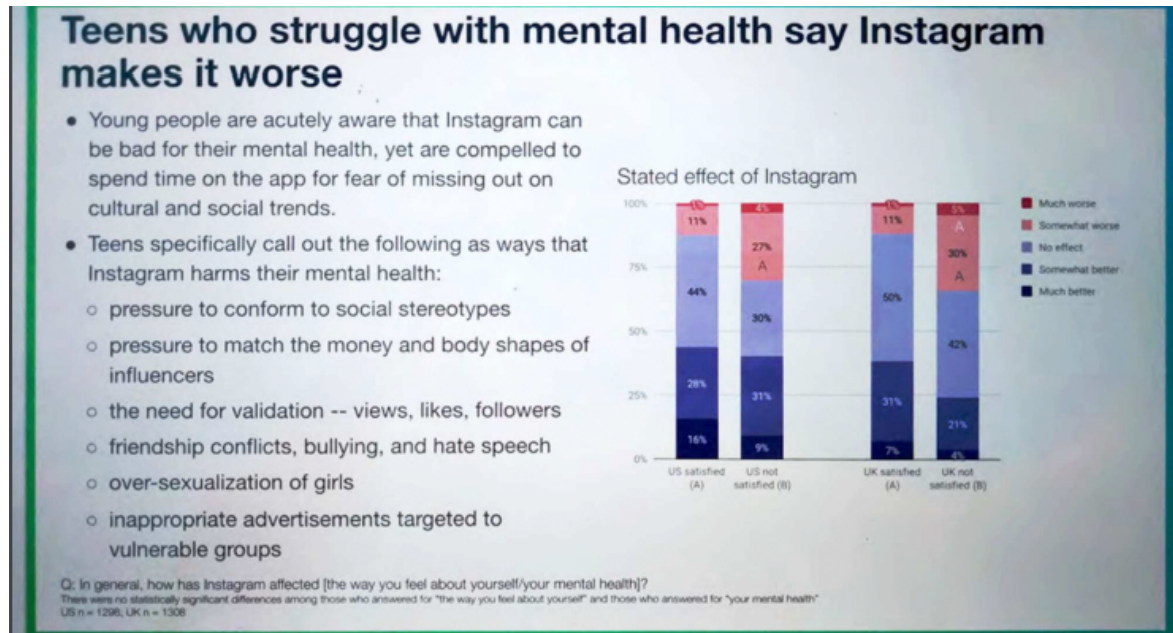
11 87. Both the Facebook and Instagram products show users a “feed.” A user’s
12 “feed” is comprised of a series of photos and videos posted by accounts that the user
13 follows, along with advertising and content specifically selected and promoted by Instagram.

14 88. Meta exerts control over a user’s Instagram “feed,” including through certain
15 ranking mechanisms, escalation loops, and/or promotion of advertising and content
16 specifically selected and promoted by Meta based on, among other things, its ongoing
17 planning, assessment, and prioritization of the types of information most likely to increase
18 engagement. In the case of certain user groups, like teens, this control translates to deliberate
19 and repeated promotion of harmful and unhealthy content, which Meta knows is causing
20 harm to its young users.

21 89. The Instagram product also has a search feature called “Explore,” where a
22 user is shown an endless feed of content that is selected by an algorithm designed by Meta
23 based upon the users’ demographics and prior activity in the application. This is not content
24 the user has searched for or requested. Instead, it is content Meta selects via its algorithms
25 (which Meta in turn programs to increase engagement and in other ways Meta knows to be
26 harmful to users, but more profitable to Meta), as well as paid advertisements created with
27 Meta’s assistance or approval, and the like.

28 90. Meta designs and operates its product in a manner that promotes harmful

and/or unhealthy content. Meta is aware of these inherently dangerous product features and has repeatedly decided against changing them and/or implementing readily available and relatively inexpensive safety measures, for the stated purpose of ensuring continued growth, engagement, and revenue increase.



Social pressure leads to negative downstream effects

- Teens called out ad targeting on Instagram as feeding insecurities, especially around weight and body image.
- The pressure to be present means teens lack the space to switch off and shut down.
- Teens play out behaviors they think are "right" and feeling like they've failed and are alone when they don't meet these standards.
- Looking for validation can lead young people to post simply for the attention it can garner.
- Teens directly link the pressure they feel online to self-censorship and decreased production on IG.

"I only post the perfect stuff, which isn't my real life ... I want my posts to be at the same level as the influencers. If it doesn't match their, I just feel shit. So until it is, I'm not going to post"
- US Female

"I just feel on the edge a lot of the time. It's like you can be called out for anything you do. One wrong move. One wrong step"
- US Male



See, supra, “Teen Mental Health Deep Dive,” p. 28, 30, 54 (examples only).

91. The Instagram product also has features known as “Reels” and “Stories,” which promote the use of short videos and temporary posts, respectively. These products were developed to appeal to teens and Meta knows that these products are addictive, as well as defective. Meta prioritizes and promotes harmful content through these product features.

92. The promotion of harmful content has become so central to Defendants’ business models that Defendants regularly opt to conceal the truth and continue harming users instead of making their products safer and less harmful.

93. Instagram profile and privacy settings also cause harm. Users’ profiles on Instagram may be public or private, which is a product feature over which Meta exercises complete control. On public profiles, any user can view the photos, videos, and other content posted by the user. On private profiles, the user’s content may only be viewed by the user’s followers, which the user must approve. At all times relevant, Instagram profiles were public by default and Instagram allowed all users to message and send follow requests to underage users. But even now, when Instagram claims that it is defaulting certain categories of users into private profiles, all a user need do is change the profile setting and, once again, Instagram will allow all users to message and send follow requests to underage users. Meta can protect

1 users from this specific harm, can do so immediately, and chooses to not do so as a matter
2 of engagement and growth.

3 94. Permitting public profiles for underage users serves no critical purpose in
4 terms of product functionality but, instead, it increases user engagement during onboarding
5 (when a user first starts using a social media product) by increasing user connections and
6 generally by providing all users with greater access to other users, in this case, irrespective
7 of their age. Unfortunately for young children and teens, a numerically significant percentage
8 of those would-be connections are harmful. Defendants are aware of these harms and have
9 opted to not make necessary and cost-effective changes to prevent it.

10 95. Instagram's Direct Message settings also permit and encourage harm to
11 "vulnerable" users. Harmful and dangerous interactions occur because of the Instagram
12 direct message feature and current user settings, that is, Meta's chosen settings provide
13 predators and other bad actors with direct and unsupervised access to children and teens.

14 96. Instagram's allowance of multiple accounts, refusal to verify age, identity,
15 even authenticity of email addresses further exacerbates the harms by making it impossible
16 to avoid unwanted interactions. Other users can literally open accounts as fast as those
17 accounts can be blocked and, when coupled with the excessive and addictive usage habits
18 Instagram promotes among teens, these features create a perfect storm for depression,
19 anxiety, and Suicide and Self-Harm.

20 97. Instagram's push notifications and emails encourage addictive behavior and
21 are designed specifically to increase use of its social media products. In the case of Instagram,
22 Defendant Meta collects individualized data – not just about the user, but also about the
23 user's friends and contacts – and then selects content and notification frequency for its users
24 and notifies them via text and email. Meta's notifications to individual users are specifically
25 designed to, and do, prompt them to open Instagram and view the content Instagram selected,
26 increasing sessions, and resulting in greater profits to Instagram. More to the point, even the
27 format of these notifications has been designed and re-designed with the specific purpose of
28 pulling users back onto the social media platform—irrespective of health or wellbeing.

1 98. Instagram also incorporates several product features that serve no
2 functionality purpose, but that do make Meta’s product more appealing to children and teens
3 (i.e., “likes” and filters, as well as avatars, emojis, and games) while simultaneously
4 increasing social comparison pressure and resulting harm (i.e., “likes” and filters). Meta
5 knows that these product features disproportionally harm teen girls and young women, yet
6 Meta leadership—singularly focused on its economic bottom line—continued to reject
7 product change recommendations that would have better protected users against these harms.

8 99. Another example involves extensive testing Meta performed on its “like”
9 button feature. Meta determined that its Instagram “like” product feature is a source of social
10 comparison harm for many of its users. This is not surprising given that several of the Meta
11 employees involved in creating that feature have since left Meta and have spoken publicly
12 about the product’s addictive nature and harmfulness.⁶

13 100. What is surprising, however, is that Meta knows that its product feature is
14 harmful, particularly to teens and young adults, and could easily hide or remove that product
15 feature. But does not, for fear that hiding “likes” would result in lower engagement and less
16 advertising revenue. This is a blatant example of Meta choosing its own profits over human
17 life and, specifically, the health and well-being of a significant number teens, including
18 Plaintiff’s child.

19 101. Instagram also creates images and GIFs for users to post on their videos and
20 pictures. Meta has also acquired publishing rights to thousands of hours of music, which it
21 provides to its users to attach to the videos and pictures that they post on Instagram. The
22 GIFs, images, and music are integral to the user’s Instagram post and are, in fact, designed
23 to encourage posting. Indeed, in many cases, the only content in a user’s Instagram post is
24 the image, GIF or music supplied by Meta. When users incorporate images, GIFs, and music
25 supplied by Meta into their postings, Meta is functioning as a co-publisher of such content.
26 An Instagram user who incorporates images, GIFs or music supplied by Meta into their post
27

28 ⁶ See, e.g., <https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-dystopia>.

1 is functionally equivalent to a novelist who incorporates illustrations into their story.
 2 Instagram can no longer characterize the images, GIFs, and music it supplies to its users as
 3 third-party content, just as the novelist cannot disclaim responsibility for illustrations
 4 contained in their book. Meta has made the deliberate decision to collaborate with its users
 5 in this regard and, as evidenced by Meta's internal documents, Meta's decision is motivated
 6 by the fact that such collaboration results in increased engagement and more profits for Meta
 7 itself.

8 102. Meta also has ownership and/or licensing, and other legal, rights in all third-
 9 party content, such that it is not "third-party content" at all. In 2012, Meta revised its
 10 Instagram Terms of Service to the following,⁷

11 To help us deliver interesting paid or sponsored content or promotions, you agree that
 12 a business or other entity may pay us to display your username, likeness, photos
 13 (along with any associated metadata), and/or actions you take, in connection with
 14 paid or sponsored content or promotions, without any compensation to you.

15 103. Its current terms (effective January 4, 2022) are different, but still grant Meta
 16 the right to use all third-party content at Meta's sole and unilateral discretion.

17 104. Meta directly profits from the videos and pictures its users create in
 18 collaboration with Meta, as described above.

19 105. Meta knows that it is harming teens yet, when faced with recommendations
 20 that will reduce such harms, Meta's leadership consistently opts for prioritization of profit
 21 over the health and well-being of its teen users.

22 106. Meta knows that underage users are on its platform and has deliberately
 23 designed its product in a manner intended to evade parental authority and consent, including
 24 but not limited to Meta's failure to verify age and identity, provision of multiple accounts,
 25 marketing aimed at informing minors that they can open multiple accounts, failure to provide
 26 a point of contact for parents to notify Meta of lack of consent, marketing aimed at children
 27 and that encourages children to use Meta's social media product without consent, and

28 ⁷ <https://www.theverge.com/2012/12/18/3780158/instagrams-new-terms-of-service-what-they-really-mean>

multiple other features and conduct by Meta aimed at ensuring young users have a means to access Meta's social media products no matter the circumstances.

107. Meta's Instagram product is used by many millions of children every day.

C. Snap and its Snapchat Product

108. Snapchat was founded in 2011, by three Stanford college students, and quickly became a wildly popular social media product among U.S. teens. It is one of the most widely used social media products in the world and is used by more than 69% of all U.S. teens (age 13 to 17).⁸ Snapchat's headquarters is in Santa Monica, California.

109. Snapchat started as a photo and short video sharing social media application that allows users to form groups and share posts or "Snaps" that disappear after being viewed by the recipients. The Snapchat product became well-known for its self-destructing content feature. Specifically, the Snapchat product allows users to form groups and share posts or "Snaps" that disappear after being viewed by the recipients. However, the Snapchat social media product quickly evolved from there, as its leadership made design changes and rapidly developed new product features intended to and that did increase Snapchat's popularity among teen users.

110. In 2012, Snap added video capabilities to its Snapchat product, pushing the number of "snaps" to 50 million per day; in 2013, "Stories" and "Chat" features; in 2014, live video chat capabilities, "Our Story," Geofilters and Community Geofilters, and Snapcash.

111. By 2015, advertisements were pervasive on Snapchat and, by 2018, 99% of Snap's total revenue came from advertising, according to internal company records. In other words, like Meta, Snap decided to monetize its userbase and, from that point forward, began changing its product in ways that made its product even more harmful to users but that paved the way for growth, engagement, and profits for Snap and its leadership and investors.

112. By 2015, Snapchat had over 75 million monthly active users and was the most

⁸ See <https://www.smartinsights.com/social-media-marketing/social-media-strategy/snapchat-statistics/>

1 popular social media application amongst American teenagers in terms of number of users
2 and time spent using the platform. Snap currently estimates having between 92.8 and 96.6
3 million users in the United States, with at least 17 to 17.7 million of those being children
4 under the age of 18. Against this backdrop, Snap advertises and promotes its product as safe
5 and fun—which could not be further from the truth.

6 113. Snap uses an algorithm or similar technology to suggest connections, that is,
7 Snap sends messages to users based on some secret formula Snap uses to determine whether
8 someone should “friend” someone else. This is known as “Quick Add,” and these Snap-
9 initiated messages result in exposure to harmful contacts, bullying, and dangerous predators.
10 This feature contributes nothing to the product itself and serves no informational or
11 communication purpose. Similar to Meta’s product, this product is designed to reinforce
12 addiction and increase the odds of maintaining more users for longer.

13 114. Snapchat users also have an “Explore” feed that displays content created by
14 other users around the world. These product features are designed to grab and keep users’
15 attention for as long as possible each day, and have led many people, from psychologists to
16 government officials, to describe Snapchat as “dangerously addictive.”

17 115. As with Defendant Meta, and TikTok, Snap’s algorithms and/or similar
18 technologies determine the content that gets directed and/or populates its user experience on
19 the Snapchat social media product. This includes content sent directly from Snap to its users,
20 for Snap’s own purposes, and prior to any sort of user search or request for such content.

21 116. Snapchat offers several unique messaging and data features. It is perhaps most
22 famous for its self-destructing content design feature, which appeals to minors and makes it
23 more difficult for parents to monitor their children’s social media activity. This is an
24 inherently dangerous product feature because it both encourages and allows minor uses to
25 exchange harmful, illegal, and sexually explicit images with adults, and provides those same
26 adults with a safe and efficient vehicle to recruit victims. Snapchat is a go-to application for
27
28

1 sexual predators because of this product feature.⁹

2 117. For years Snap has received reports of child abuse and bullying occurring
3 through its product and because of its product features,¹⁰ yet has kept those features in place
4 as removing them would result in considerable impact on the popularity of Snap's social
5 media product.

6 118. Harmful and dangerous interactions likewise occur because of these and other
7 Snapchat messaging features, which provide direct and unsupervised access to children and
8 teens.

9 119. But also, this is a dangerous product feature because it does not operate as
10 advertised. Snap's disappearing design and marketing of this feature is particularly harmful
11 to teens who rely on Snap's representations when taking and sending photos, only learning
12 after the fact that recipients have means to save photos – and are often bullied, exploited,
13 and/or sexually abused as a direct result. These are harms known to Snap.

14 120. In 2014, Snapchat added “Stories” and “Chat” features that allowed users to
15 post longer stories that could be viewed by users outside the user's friends. As with Meta's
16 algorithms, Snap's technology promotes and amplifies harmful content as a means of
17 increasing user engagement and growth opportunities. Snap has actual knowledge of the
18 harm it is causing its users, and consistently prioritizes its own profits regardless.

19 121. Snapchat also allows users to enable the sharing of their location, through a
20 tool called Snap Map, which allows the users' followers (and the public for Snaps submitted
21 by the users) to see the user's location on a map. At all times relevant, this feature was
22 available to all users, including minors. This is an inherently dangerous product feature,
23 which serves no practical purpose – but that does provide strangers and predators with access
24 to the location of minor victims. This product feature has directly contributed to stalking and
25

26 ⁹ See, e.g., <https://phonespector.com/blog/what-are-the-dangers-of-snapchat-to-avoid/>

27 ¹⁰ See, e.g., <https://www.forbes.com/sites/zakdoffman/2019/05/26/snapchats-self-destructing-messages-have-created-a-haven-for-child-abuse/?sh=411b8e1d399a> (Snapchat Has Become A ‘Haven for Child Abuse’ With Its
28 ‘Self-Destructing Messages’).

1 other, physical harms and assaults perpetrated on minors, and these are harms known to Snap.

2 122. But also, Snap has developed artificial intelligence technology that detects
3 adult users of Snapchat who send sexually explicit content to children and receive sexually
4 explicit images from children. This technology furnishes Snap with actual knowledge that a
5 significant number of minor users of Snapchat are solicited to send, and do send, sexually
6 explicit photos and videos of themselves to adult users in violation of 18 U.S.C. § 1591(a)(1)-
7 (2). Snap could protect its minor users, but in many instances, does not.

8 123. Snap also has a “My Eyes Only” product, which many parents do not know
9 about – including Plaintiff in this case. Snap’s My Eyes Only Product encourages and enables
10 young users to hide harmful content from parents by allowing them to hide content in a
11 special tab that requires a passcode, and where content cannot be recovered – even by Snap
12 itself – without the correct passcode. The content self-destructs if a user attempts to access
13 the hidden folder with the wrong code. My Eyes Only has no practical purpose or use, other
14 than to hide potentially harmful content from parents and/or legal owners of the devices used
15 to access Snap. Moreover, while this information and evidence should be in Snap’s
16 possession and control, it has designed this product in a way that causes the permanent loss
17 of relevant and often incredibly material and incriminating evidence in the event of products
18 liability lawsuit, like this one.

19 124. On information and belief, Snap’s disappearing messages are defective for
20 this reason as well. Snap has possession, custody, or control of that data, knows that it will
21 be relevant and material in the event of products liability litigation, but has designed its
22 technologies – i.e. its advertised “disappearing” functionality which suggests that Snap itself
23 no longer has access to such data – in a manner that frustrates and actively prevents parents
24 from monitoring the activity of their underage children on Snap’s social media product.
25 These are serious defects, which Snap should be required to remedy immediately.

26 125. Like Meta and TikTok, Snap also sends push notifications and emails to
27 encourage addictive behavior and to increase use of its Snapchat product. Snap’s
28 communications are triggered and based upon information Snap collects from and about its

1 users, and Snap “pushes” these communications to teen users in excessive numbers and
 2 disruptive times of day. These notifications are specifically designed to, and do, prompt them
 3 to open Snapchat and view the content Snapchat selected, increasing sessions, and resulting
 4 in greater profits to Snap. Even the format of these notifications has been designed to pull
 5 users back on to the social media platform—irrespective of a user’s health or wellbeing.

6 126. The Snapchat social media product also features a series of rewards including
 7 trophies, streaks, and other signals of social recognition like the “likes” metrics available
 8 across other platforms. These features are designed to encourage users to share their videos
 9 and posts with the public. Moreover, these features serve no communication or informational
 10 purposes. They are designed to be addictive, and to encourage greater use of the Snap product
 11 without regard to any other content or third-party communication. But also, they have been
 12 repeatedly recognized by organizations and even government agencies around the world as
 13 being among the most addictive products when it comes to teen social media users.

14 127. These product features serve no purpose other than creating dependencies on
 15 Snap’s product by children and teens, which dependencies in turn cause sleep deprivation,
 16 anxiety, depression, anger, shame, interpersonal conflicts, and other serious harms to mental
 17 and physical health.

18 128. Snapchat incorporates several other product features that serve no
 19 functionality purpose, but that do make Snap’s product more appealing to children and teens
 20 (i.e., avatars, emojis, and games) while simultaneously using known mechanisms to addict
 21 those same children and teens (i.e. streaks and trophies offering unknown rewards). These
 22 features and the ones discussed above were particularly addictive to C.L. and were targeted
 23 to underage users like C.L.

24 129. The Snap Streak feature is unique to Snap’s product and is one of the most –
 25 if not the most – addictive products available “especially to teenagers.”¹¹ Snap knows that
 26 its Snap Streak product is addictive and has known for years but continues to provide that
 27

28 ¹¹See <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>

1 product to teens and children.

2 130. These are just some examples of Snapchat's harmful product features.

3 131. Snap has also developed images for users to decorate the pictures or videos
4 they post, and Snap has developed Lenses which are augmented reality-based special effects
5 and sounds for users to apply to pictures and videos users post on Snapchat, and World
6 Lenses to augment the environment around posts. Snap also has acquired publication rights
7 to music, audio, and video content that its users can incorporate in the pictures and videos
8 they post on Snapchat.

9 132. These images, Lenses, and licensed audio and video content supplied and
10 created by Snapchat frequently make a material contribution to the creation or development
11 of the user's Snapchat posts. Indeed, in many cases, the only content in a user's Snapchat
12 post are images, Lenses, and licensed audio and video content supplied and created by
13 Snapchat. When users incorporate images, Lenses, music, audio, and video content supplied
14 by Snapchat posts, Snapchat makes a material contribution to the creation and/or
15 development of their Snapchat postings and becomes a co-publisher of such content. When
16 malign users incorporate images, Lenses, music, audio, and video content supplied by
17 Snapchat to their posts, this enhances the psychic harm and defamatory sting that minor users
18 experience from third-party postings on Defendants' platform.

19 133. Moreover, Snap contracts for legal rights in this third-party content, such that
20 it is not "third-party content" at all. Snap's current Terms of Service grant Snap several,
21 sweeping sets of legal rights, from licensing to ownership, as follows (and for example only
22 as there are several provisions in Snap's Terms of Service that address legal rights over user
23 content, comments, and other usage and activities),
24
25
26
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28

3. Rights You Grant Us

Many of our Services let you create, upload, post, send, receive, and store content. When you do that, you retain whatever ownership rights in that content you had to begin with. But you grant us a license to use that content. How broad that license is depends on which Services you use and the Settings you have selected.

For all content you submit to the Services, you grant Snap and our affiliates a worldwide, royalty-free, sublicensable, and transferable license to host, store, cache, use, display, reproduce, modify, adapt, edit, publish, analyze, transmit, and distribute that content. This license is for the purpose of operating, developing, providing, promoting, and improving the Services and researching and developing new ones. This license includes a right for us to make your content available to, and pass these rights along to, service providers with whom we have contractual relationships related to the provision of the Services, solely for the purpose of providing such Services.

134. Snap directly profits from the videos and pictures and other content its users create in collaboration with Snap, as described above.

135. Snap knows that it is harming teens yet consistently opts for prioritization of profit over the health and well-being of its teen users.

136. Millions of teen and children use Snap's inherently dangerous and defective social media product every, single day.

D. TikTok and Its TikTok Product

137. TikTok is a video sharing social media application where users create, share, and view short video clips. Known in China as Douyin, TikTok hosts a variety of short-form user videos, from genres like pranks, stunts, tricks, jokes, dance, and entertainment with durations from 15 seconds to ten minutes. TikTok is the international version of Douyin, which was originally released in the Chinese market in September 2016. In 2017, TikTok was launched for iOS and Android in most markets outside of mainland China; however, it became available worldwide only after merging with another Chinese social media service, Musical.ly, on August 2, 2018.

138. TikTok has been downloaded more than 130 times in the U.S. and it was ranked by Cloudflare as the most popular website of 2021. "TikTok was the world's most-visited website in 2021, overtaking YouTube in US watch time and Facebook in app

1 downloads for the first time.”¹²

2 139. Users on TikTok who open the TikTok application are automatically shown
3 an endless stream of videos selected by an algorithm developed by TikTok to show content
4 on the “for you” based upon the user’s demographics, likes, and prior activity on the app.

5 140. TikTok is like Meta and Snap in that it has designed its algorithms to addict
6 users and cause them to spend as much time on the application as possible through advanced
7 analytics that create a variable reward system tailored to user’s viewing habits and interests.

8 141. There are four main goals for TikTok’s algorithm: which the company
9 translates as “user value,” “long-term user value,” “creator value,” and “platform value.”

10 142. An internal TikTok document was leaked, which document is titled “TikTok
11 Algo 101.” This document was created by TikTok’s engineering team in Beijing and offers
12 details about both the app’s mathematical core and insight into the company’s understanding
13 of human nature. The document explains that in the pursuit of the company’s “ultimate goal”
14 of adding daily active users, it has chosen to optimize for two closely related metrics in the
15 stream of videos it serves: “retention” — that is, whether a user comes back — and “time
16 spent.” The document offers a rough equation for how videos are scored, in which a
17 prediction driven by machine learning and actual user behavior are summed up for each of
18 three bits of data: likes, comments and playtime, as well as an indication that the video has
19 been played.

20 143. A recent Wall Street Journal report revealed how TikTok relies heavily on
21 how much time users spend watching each video to steer them toward more videos that will
22 keep them scrolling, and that process can sometimes lead young viewers down dangerous
23 rabbit holes, and toward content that promotes suicide or self-harm.

24 144. Another article, by the New York Times, explained how TikTok markets
25 itself as an “artificial intelligence company.” “The most obvious clue is right there when you
26 open the app: the first thing you see isn’t a feed of your friends, but a page called ‘For You.’

27 _____
28 ¹² Emily Baker-White, *Inside Project Texas, TikTok’s Big Answer To US Lawmakers’ China Fears*, BuzzFeed, Mar.
10, 2022, <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-project-texas-bytedance-user-data>

1 It's an algorithmic feed based on videos you've interacted with, or even just watched. It never
2 runs out of material. It is not, unless you train it to be, full of people you know, or things
3 you've explicitly told it you want to see. It's full of things that you seem to have demonstrated
4 you want to watch, no matter what you actually say you want to watch ... Imagine a version
5 of Facebook that was able to fill your feed before you'd friended a single person. That's
6 TikTok.”¹³

7 145. TikTok's algorithm also, often works in concert with Meta's. For example, a
8 teen may first learn about a harmful topic through Meta's algorithm, which potential harm is
9 then identified by TikTok's algorithm, based on any number of unknown factors, and the
10 TikTok product will amplify and promote that same harm through a virtual series of how-to
11 videos. These are inherently dangerous and harmful product features, particularly when
12 aimed at children.

13 146. TikTok also features and promotes various “challenges” where users film
14 themselves engaging in behavior that mimics and “one ups” other users posting videos
15 related to a particular challenge. TikTok promotes users creating and posting videos of
16 challenges identified by a system of hashtags that are promoted within TikTok's search
17 feature.

18 147. TikTok's app and algorithm have created an environment in which TikTok
19 “challenges” are widely promoted and result in maximum user engagement and participation,
20 thus financially benefitting Defendants. At the same time TikTok “challenges” involve users
21 filming themselves engaging in behavior that mimics and often times “one-ups” other users
22 posting videos performing the same or similar conduct, and these TikTok “challenges”
23 routinely involve dangerous or risky conduct.

24 148. TikTok's algorithm presents these often-dangerous “challenges” to users on
25 their FYP and encourages users to create, share, and participate in the “challenge.”

26 149. Moreover, TikTok's algorithm products suffer from serious algorithmic bias,

27 ¹³ John Herrman, *How TikTok is Rewriting the World*, N.Y. Times, Mar. 10, 2019, available at
28 <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html>

1 including as it relates to race and low SES. Upon information and belief, TikTok is aware of
2 these harms, including the fact that its algorithm pushes higher volumes of violent and
3 dangerous content to members of protected classes. This is harmful content these users, users
4 like the minor plaintiff, would not have seen but for TikTok’s product design and
5 programming.

6 150. These are just some examples of how TikTok operates its product to generate
7 profit, at the expense of the health and well-being of its users, particularly its child and teen
8 users.

9 151. Until mid 2021, TikTok also and by default made all users profiles “public,”
10 meaning that strangers, often adults, could view and message underage users of the TikTok
11 app. This also meant that those strangers could then contact children directly, as happened
12 in this case.

13 152. TikTok has also developed artificial intelligence technology that detects adult
14 users of TikTok who send sexually explicit content to children and receive sexually explicit
15 images from children. This technology furnishes TikTok with actual knowledge that a
16 significant number of minor users of TikTok are solicited to send and actually do send
17 sexually explicit photos and videos of themselves to adult users in exchange for consideration
18 in violation of 18 U.S.C. § 1591(a)(1)–(2). Yet, like Snap and Meta, TikTok uses this
19 technology selectively and only when it is to the benefit of TikTok, enabling harms through
20 its social media products in the interest of engagement.

21 153. TikTok also sends push notifications and emails to encourage addictive
22 behavior and to increase use of their TikTok product and sent such notices to C.L. TikTok’s
23 communications are triggered and based upon information TikTok collects from and about
24 its users, and TikTok “pushes” these communications to teen users in excessive numbers and
25 disruptive times of day. These notifications are specifically designed to, and do, prompt them
26 to open TikTok and view the content TikTok selected, increasing sessions, and resulting in
27 greater profits to TikTok. Even the format of these notifications has been designed to pull
28 users back on to the social media platform—irrespective of a user’s health or wellbeing.

1 154. TikTok markets itself as a family friendly social media application, and
2 markets to children and teens.

3 155. TikTok exclusively controls and operates the TikTok platform for profit,
4 which like Instagram and Snapchat, creates advertising revenue through maximizing the
5 amount of time users spend on their platforms. Accordingly, while TikTok purports to have
6 a minimum age requirement of 13-years-old, it does little to verify user age or enforce its
7 age limitations despite knowledge that underage use is widespread.

8 156. In fact, underage TikTok users will often post videos of themselves in which
9 they clearly are not old enough to be using the TikTok social media product. On information
10 and belief, TikTok's sophisticated algorithms can identify when a user has crooked teeth or
11 a crack in their bedroom wall, so there is little question that those same algorithms can
12 identify underage children in posted videos. But also, TikTok has actual knowledge of
13 underage users. For example, in July 2020, TikTok reported that more than a third of its 49
14 million daily users in the United States were 14 years old or younger. And while some of
15 those users were 13 or 14, at least one former employee reported that TikTok had actual
16 knowledge of children even younger based on videos posted on the TikTok platform – yet
17 failed to promptly take down those videos or close those accounts.¹⁴ In fact, TikTok regularly
18 knows or should know of underage users with accounts and who post videos on its platform,
19 whether because of its algorithms, viewing by TikTok employees, and/or flagging by other
20 TikTok users. In many such instances, TikTok does not suspend the account, require age
21 verification, or notify the underage user's parents of such prohibited use.

22 157. TikTok does not seek parental consent for underage users or provide warnings
23 or adequate controls that would allow parents to monitor and limit the use of TikTok by their
24 children. TikTok does not verify user age, enabling and encouraging teens and children to
25 open TikTok accounts, providing any age they want, without parental knowledge or consent.

26
27 ¹⁴ Raymond Zhong & Sheera Frenkel, *A Third of TikTok's U.S. Users May Be 14 or Under, Raising Safety*
28 *Questions*, N.Y. Times, Aug. 14, 2020, available at <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>

1 158. Further, based on TikTok data leaked to the New York Times, internal
2 TikTok documents show that the number of daily U.S. users in July of 2020 estimated by
3 TikTok to be 14 or young—18 million—was almost as large as the number of over-14 users,
4 around 20 million. While the rest of TikTok’s U.S. users were classified as being “of
5 unknown age.”¹⁵

6 159. TikTok also does not rely on users’ self-reported age to categorize them, and
7 knows when it has underage users engaged in harmful activities on its platform. Like Meta,
8 TikTok has algorithms through which it creates estimated or approximate age for its users,
9 including facial recognition algorithms that scrutinize profile pictures and videos, as well as
10 other methods through which it can estimate age with reasonable certainty. TikTok knows
11 that users under the age of 13 are using its social media product, including to post videos of
12 themselves, which videos are public by default and result in harm to these underage users.¹⁶

13 160. TikTok has tried to boost engagement and keep young users hooked to its
14 social media product by any means necessary.

15 161. TikTok has developed images and memes to enact images for users to
16 decorate the videos they post. TikTok has also developed memes and other images for users
17 to apply to images they post on TikTok. TikTok also has acquired publication rights to music
18 that its users can incorporate in the pictures and videos they post on TikTok. When users
19 incorporate images, memes and music supplied by TikTok into their postings, TikTok
20 becomes a co-publisher of such content. A TikTok user who incorporates images, memes
21 and musical content supplied by TikTok into their posts is functionally equivalent to a
22 novelist who incorporates illustrations into her story. TikTok can no longer characterize the
23 images, memes, and musical content it supplies to its users as third-party content as the
24 novelist can disclaim responsibility for illustrations contained in her book.

25 162. TikTok contracts for legal rights to this third-party content, such that it is not
26 “third-party content” at all. TikTok’s current Terms of Service grant TikTok sweeping sets

27 ¹⁵ *Id.*

28 ¹⁶ *Id.*

of rights as follows, and for example only,

You or the owner of your User Content still own the copyright in User Content sent to us, but by submitting User Content via the Services, you hereby grant us an unconditional irrevocable, non-exclusive, royalty-free, fully transferable, perpetual worldwide licence to use, modify, adapt, reproduce, make derivative works of, publish and/or transmit, and/or distribute and to authorise other users of the Services and other third-parties to view, access, use, download, modify, adapt, reproduce, make derivative works of, publish and/or transmit your User Content in any format and on any platform, either now known or hereinafter invented.

163. TikTok directly profits from the videos and pictures and other content its users create in collaboration with TikTok, as described above.

164. TikTok knows that it is harming teens yet consistently opts for prioritization of profit over health and well-being of its teen users—the millions of teen users who continue to use its inherently dangerous and defective social media product every, single day.

E. Defendants' Social Media Products are Products

165. There is no dispute that the above-described social media products are designed and manufactured by Defendants, and further, Defendants refer to them as such and also patent various aspects of their products and the specific products at issue in this case.

166. These products are designed to be used by minors and are actively marketed to teens and tweens across the United States, and were marketed to C.L.

167. Defendants' user terms prohibit use of these social media products by any person under the age of 13. Regardless, Defendants know that children under 13 are using their products, and actively study and market to that population.

168. Defendants' products are designed to be used by minors and are actively marketed to minors across the United States. Defendants market many of these products to minors through their own marketing efforts and design, and through their approval and permission to advertisers who create and target ads to young users.

169. Defendants also are aware that large numbers of children under the age of 18 use its product without parental consent. At least in the case of TikTok and Snap, parental consent is required for use of their social media products by users under the age of 18. Yet

1 all Defendants design their social media products in a manner intended to allow and not
2 prevent such use, including failure to verify age and identification and allowing and
3 encouraging multiple accounts

4 170. Defendants each have patents relating to various aspects of their social media
5 products, including patents relating to aspects of their recommendation technologies.

6 171. Defendants have designed their products in a manner that allows and/or does
7 not prevent such use to increase user engagement and, thereby, increase their own profits.

8 **F. Defendants' Business Model is Based on Maximizing User Screen Time and**
9 **Defendants Know That Their Products Are Addictive**

10 172. Defendants advertise their products as "free," because they do not charge their
11 users for downloading or using their products. What many users do not know is that, in fact,
12 Defendants make a profit by finding unique and increasingly dangerous ways to capture user
13 attention and target advertisements to their users. Defendants receive revenue from
14 advertisers who pay a premium to target advertisements to specific demographic groups of
15 users in the applications. Defendants also receive revenue from selling their users' data to
16 third parties.

17 173. The amount of revenue Defendants receive is based upon the amount of time
18 and level of user engagement on their platforms, which directly correlates with the number
19 of advertisements that can be shown to each user.

20 174. Defendants use unknown and changing rewards that are designed to prompt
21 users who consume their social media products in excessive and dangerous ways. Defendants
22 know, or in the exercise of ordinary care should know, that their designs have created
23 extreme and addictive usage by their minor users, and Defendants knowingly or purposefully
24 designed its products to encourage such addictive behaviors. For example, all the
25 achievements and trophies in Snapchat are unknown to users. The Company has stated that
26 "[y]ou don't even know about the achievement until you unlock it." This design conforms to
27 well-established principles of operant conditioning wherein intermittent reinforcement
28 provides the most reliable tool to maintain a desired behavior over time.

1 175. This design is akin to a slot machine but marketed toward minor users who
2 are even more susceptible than gambling addicts to the variable reward and reminder system
3 designed by Snapchat. The system is designed to reward increasingly extreme behavior
4 because users are not actually aware of what action will unlock the next award.

5 176. Facebook and Instagram, like Snapchat and TikTok, are designed around a
6 series of features that do not add to the communication utility of the application, but instead
7 seek to exploit minor users' susceptibility to persuasive design and unlimited accumulation
8 of unpredictable and uncertain rewards, including "likes" and "followers." In the hands of
9 children, this design is unreasonably dangerous to the mental well-being of underage users'
10 developing minds, and has resulted in mental health harms to minor plaintiff C.L.

11 177. According to industry insiders, Meta, Snap, and TikTok have employed
12 thousands of psychologists and engineers to help make their products maximally addicting.
13 For example, Instagram's "pull to refresh" is based on how slot machines operate. It creates
14 an endless feed, designed to manipulate brain chemistry and prevent natural end points that
15 would otherwise encourage users to move on to other activities.

16 178. Meta, Snap, and TikTok do not warn users of the addictive design of their
17 product. On the contrary, Meta, Snap, and TikTok actively conceal the dangerous and
18 addictive nature of their products, lulling users and parents into a false sense of security. This
19 includes consistently playing down their products' negative effects on teens in public
20 statements and advertising, making false or materially misleading statements concerning
21 product safety, and refusing to make their research public or available to academics or
22 lawmakers who have asked for it.

23 179. Meta, Snap, and TikTok have repeatedly represented to the public and
24 governments around the world that their products are safe and not addictive.

25 180. TikTok represents in its community guidelines that its priority is "safety,
26 diversity, inclusion, and authenticity,"¹⁷ and Snap's Terms of Service claim "We try hard to
27

28 ¹⁷ <https://www.tiktok.com/community-guidelines?lang=en>

1 keep our Services a safe place for all users.”¹⁸

2 181. Again, the amount of revenue Defendants receive is based upon the amount
3 of time and user engagement on their platforms, which directly correlates with the number
4 of advertisements that can be shown to each user. In short, Meta, Snap, and TikTok opted
5 for user engagement over the truth and user safety.

6 182. Meta, Snap, and TikTok’s social media products are built around a series of
7 design features that do not add to the communication and communication utility of the
8 applications, but instead seek to exploit users’ susceptibility to persuasive design and
9 unlimited accumulation of unpredictable and uncertain rewards (including things like “likes”
10 and “followers” and “views” and “streaks” and “trophies,” These designs are unreasonably
11 dangerous to the mental well-being of underage users’ developing minds, and these social
12 media companies know it.

13 183. Meta, Snap, and TikTok know that their products are addictive, and that
14 millions of teen users want to stop using them but cannot.

15 184. Meta, Snap, and TikTok engineer their products to keep users, and
16 particularly young users, engaged longer and coming back for more. This is referred to as
17 “engineered addiction,” and examples include features like bottomless scrolling, tagging,
18 notifications, and live stories.

19 185. Meta, Snap, and TikTok spend billions of dollars marketing their products to
20 minors, and have deliberately traded in user harm for the sake of their already astronomical
21 revenue stream.

22 **G. Defendants Have Designed Complex Algorithms to Addict Teen Users and Their**
23 **Business Models are Based on Maximizing User Screen Time**

24 186. Meta, Snap, and TikTok have intentionally designed their products to
25 maximize users’ screen time, using complex algorithms designed to exploit human
26 psychology and driven by the most advanced computer algorithms and artificial intelligence

27
28 ¹⁸ See Snap, Inc. Terms of Service, ¶ 9.

1 available to four of the largest technology companies in the world.

2 187. Meta, Snap, and TikTok’s algorithms select content for minor users not based
3 on what they anticipate the user will prefer or to enhance their social media experience, but
4 rather for the express purpose of habituating users to the Defendants’ social media products.
5 Meta, Snap, and TikTok’s algorithms do not provide a neutral platform but rather specify
6 and prompt the type of content to be submitted and determine particular types of content its
7 algorithms promote.

8 188. Meta, Snap, and TikTok designed and have progressively modified their
9 products to promote problematic and excessive use that they know is indicative of addictive
10 and self-destructive use.

11 189. One of these features—present in Snapchat, Facebook, Instagram, and
12 TikTok—is the use of complex algorithms to select and promote content that is provided to
13 users in an unlimited and never-ending “feed.” Defendants are well aware that algorithm-
14 controlled feeds promote unlimited “scrolling”—a type of use those studies have identified
15 as detrimental to users’ mental health—however, this type of use allows Defendants to
16 display more advertisements and obtain more revenue from each individual user.

17 190. Meta, Snap, and TikTok’s algorithm-controlled product feature are designed
18 to promote content most likely to increase user engagement, which often means content that
19 Defendants know to be harmful to their users. This is content that users would otherwise
20 never see but for Defendants sorting, prioritizing, and/or affirmative pushing of such content
21 to their accounts.

22 191. In the words of one, high-level departing Meta employee,
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In September 2006, Facebook launched News Feed. In October 2009, Facebook switched from chronological sorting to an algorithmic ranking. 10 years later, in July 2019, Sen. Josh Hawley introduced a bill to the US Senate that would ban features in app feeds, such as infinite scroll.

The response in 2006 was largely positive; the response in 2009 was negative from a vocal minority, but still largely positive; the response in 2019 was largely “lol, wut?” If I had to guess, the response to government regulation around engagement centric information feeds in 2026 will be “Omg finally”.

“Why We Build Feeds” (October 4, 2019), at p. 1.¹⁹

192. The addictive nature of Meta, Snap, and TikTok’s products and the complex and psychologically manipulative design of their algorithms is unknown to ordinary consumers, particularly minors.

193. Meta, Snap, and TikTok go to significant lengths to prevent transparency, including posing as a “free” social media platform, burying advertisements in personalized content, and making public statements about the safety of their products that simply are not true.

194. Meta, Snap, and TikTok also have developed unique product features designed to limit, and have in other ways limited, parents’ ability to monitor and prevent problematic use by their children.

195. Meta, Snap, and TikTok’s algorithms adapt to promote whatever content will trigger minor users’ engagement and maximize their screen time. Defendants’ algorithm designs do not distinguish, rank, discriminate, or prioritize between particular content based on whether it is helpful or harmful to the psychic well-being of their minor users. Once a minor user engages with abusive, harmful, or destructive content, Defendants’ algorithms will direct the minor user to content that is progressively more abusive, harmful, and destructive to maximize the user’s screen time.

¹⁹ https://www.documentcloud.org/documents/21600853-tier1_rank_exp_1019

196. Meta, Snap, and TikTok's algorithms are not simply tools meant to facilitate the communication and content of others but are content in and of themselves. Meta, Snap, and TikTok's algorithms do not function like traditional search engines that select particular content for users based on user inputs; they direct minor users to content based on far more than the individual users' viewing history. Meta, Snap, and TikTok's algorithms make recommendations not simply based on minor users' voluntary actions but also the demographic information and social media activity of the users' friends, followers, and cohorts. The user data that Meta, Snap, and TikTok's algorithms use to select content therefore encompasses far more information than voluntarily furnished by the particular user and include private information about the user that Meta, Snap, and TikTok discover through undisclosed surveillance of behavior both online and offline.

197. These addiction-driven algorithms are designed to be content neutral. They adapt to the social media activity of individual users to promote whatever content will trigger a particular user's interest and maximize their screen time. That is, prior to the point when Meta, Snap, and TikTok have addicted their users and are then able to influence user preferences, their algorithm designs do not distinguish, rank, discriminate, or prioritize between types of content. For example, if the algorithm can increase User One engagement with elephants and User Two engagement with moonbeams, then Defendants' algorithm design will promote elephant content to User One and moonbeam content to User Two. These types of algorithms are solely quantitative devices and make no qualitative distinctions between the nature and type of content they promote to users – as long as those promotions increase user engagement.

H. Minor Users' Incomplete Brain Development Renders Them Particularly Susceptible to Manipulative Algorithms with Diminished Capacity to Eschew Self-Destructive Behaviors and Less Resiliency to Overcome Negative Social Media Influences

198. The human brain is still developing during adolescence in ways consistent with adolescents' demonstrated psychosocial immaturity. Specifically, adolescents' brains are not yet fully developed in regions related to risk evaluation, emotional regulation, and

1 impulse control.

2 199. The frontal lobes—and, in particular, the prefrontal cortex—of the brain play
3 an essential part in higher-order cognitive functions, impulse control, and executive decision-
4 making. These regions of the brain are central to the process of planning and decision-
5 making, including the evaluation of future consequences and the weighing of risk and
6 reward. They are also essential to the ability to control emotions and inhibit impulses. MRI
7 studies have shown that the prefrontal cortex is one of the last regions of the brain to mature.

8 200. During childhood and adolescence, the brain is maturing in at least two major
9 ways. First, the brain undergoes myelination, the process through which the neural pathways
10 connecting different parts of the brain become insulated with white fatty tissue called myelin.
11 Second, during childhood and adolescence, the brain is undergoing “pruning”—the paring
12 away of unused synapses, leading to more efficient neural connections. Through myelination
13 and pruning, the brain’s frontal lobes change to help the brain work faster and more
14 efficiently, improving the “executive” functions of the frontal lobes, including impulse
15 control and risk evaluation. This shift in the brain’s composition continues throughout
16 adolescence and into young adulthood.

17 201. In late adolescence, important aspects of brain maturation remain incomplete,
18 particularly those involving the brain’s executive functions and the coordinated activity of
19 regions involved in emotion and cognition. As such, the part of the brain that is critical for
20 control of impulses and emotions and for mature, considered decision-making is still
21 developing during adolescence, consistent with the demonstrated behavioral and
22 psychosocial immaturity of juveniles.

23 202. The algorithms in Meta, Snap, and TikTok’s social media products are
24 designed to exploit minor users’ diminished decision-making capacity, impulse control,
25 emotional maturity, and psychological resiliency caused by users’ incomplete brain
26 development. Defendants know, or in the exercise of reasonable care should know, that
27 because their minor users’ frontal lobes are not fully developed, they experience enhanced
28 dopamine responses to stimuli on Defendants’ social media platforms and are therefore much

1 more likely to become addicted to Defendants' products; exercise poor judgment in their
 2 social media activity; and act impulsively in response to negative social media encounters.
 3 Defendants also know, or in the exercise of reasonable care should know, that minor users
 4 of their social media products are much more likely to sustain serious physical and
 5 psychological harm through their social media use than adult users. Nevertheless, Defendants
 6 knowingly designed their social media products to be addictive to minor users and failed to
 7 include in their product design any safeguards to account for and ameliorate the psychosocial
 8 immaturity of their minor users.

9 **I. Defendants Misrepresent the Addictive Design of Their Social Media Products**

10 203. During the relevant time period, Meta, Snap, and TikTok stated in public
 11 comments that their products are not addictive and were not designed to be addictive.
 12 Defendants knew or should have known that those statements were untrue.

13 204. During the relevant time period, Meta, Snap, and TikTok advertised via
 14 commercials and/or third parties that their products were fun and safe to use, and that
 15 Defendants employed their technologies to ensure safe and age-appropriate experiences.
 16 Defendants knew or should have known that those statements were untrue.

17 205. Neither Meta, TikTok, or Snapchat warned users or their parents of the
 18 addictive and mentally harmful effects that the use of their products was known to cause
 19 amongst minor users. On the contrary, Defendants have gone to significant lengths to conceal
 20 and/or avoid disclosure as to the true nature of their products.

21 **J. Plaintiff Expressly Disclaims Any and All Claims Seeking to Hold Defendants Liable**
 22 **as the Publisher or Speaker of Any Content Provided, Posted, or Created by Third**
 23 **Parties**

24 206. Plaintiff seeks to hold Defendants accountable for their own alleged acts and
 25 omissions. Plaintiff's claims arise from Defendants' status as designers and marketers of
 26 dangerously defective social media product, as well as Defendants' own statements and
 27 actions, not as the speaker or publisher of third-party content.

28 207. Defendants' have designed their products to be addictive. For example,

1 Defendants have developed and modified product features like the continuous loop feed and
2 push notifications, to incentivize users to stay on the product as long as possible and to
3 convince users to log back on. Defendants Meta, Snap, and TikTok even calculate the most
4 effective time to send such notifications, which in the case of teen and tween users often
5 means in the middle of the night and/or during school hours. Essentially, the times they are
6 least likely to have access to Defendants' social media products, which also—as Defendants
7 know—are the times that their health and well-being necessitate them not being on
8 Defendants' social media product. Meta, Snap, and TikTok's products are designed to and
9 do addict users on a content neutral basis.

10 208. The structure of these social media products and the technologies Defendants'
11 design and utilize are, standing alone, harmful to users and irrespective of content. For
12 example, a primary purpose of Defendants' algorithm designs is to determine individual user
13 preferences first so that Defendants can then influence user behavior and choices second—
14 which is particularly dangerous in the case of teens.

15 209. In the case of Meta, for example, Meta uses its product both to “experiment”
16 on and test its users in ways heretofore unimagined, but also, it seeks to control user behavior
17 through product features and capabilities and for the specific purpose of acquiring and
18 retaining users. Defendants Snap, and TikTok likewise seek to control user behavior through
19 product features and capabilities and for the specific purpose of acquiring and retaining users.

20 210. On a content neutral basis, the manipulation and control these Defendants
21 knowingly wield over their users daily is profoundly dangerous.

22 211. Defendants are responsible for these harms. These harms are caused by
23 Defendants' designs and design-decisions, and not any single incident of third-party content.

24 212. Yet Defendants failed to warn minor users and their parents of known dangers
25 arising from anticipated use of their social media products. These dangers are unknown to
26 ordinary consumers but are known to Defendants. Moreover, these dangers do not arise from
27 third-party content contained on Defendants' social media platforms. This lawsuit does not
28 involve a suit against a web browser provider for making available third-party content. To

1 the contrary, Defendants,

- 2 a. Design and constantly re-design their social media products to attract
- 3 and addict teens and children, their “priority” user group.
- 4 b. Design and continue to operate their social media products to ensure
- 5 that teens and children can obtain unfettered access, even over
- 6 parental objection.
- 7 c. Know when teens and children are opening multiple accounts and
- 8 when they are accessing their products excessively and in the middle
- 9 of the night.
- 10 d. Work with advertisers and influencers to create and approve harmful
- 11 content and provide direct access to teens and children – a user
- 12 population Defendants know to be vulnerable.
- 13 e. Operate and provide the above social media products with the single-
- 14 minded goal of increasing user engagement, including but not limited
- 15 to things like maintaining harmful social comparison features,
- 16 approving product programming that promotes harmful content over
- 17 clear dangers to user safety.

18 213. While it may be that a third party creates a particular piece of harmful content,
 19 the teens and children harmed by Defendants’ social media products are not being harmed
 20 by a single piece of harmful content. They are being harmed by Defendants’ products,
 21 programming, and decisions to expose teens and children to harmful product features and to
 22 show teens and children a constant barrage of harmful content to obtain more advertising
 23 revenue and increase engagement.

24 214. C.L. and children like her do not open social media accounts in the hopes of
 25 become addicted. Nonetheless, such children do become addicted, leading them to engage in
 26 foreseeable addict behaviors, such as lying to their parents, hiding their use of Defendants’
 27 products, losing control, becoming irritable and depressed when access is denied, and hyper-
 28 vigilance to avoid detection. These and other behaviors can and do result in serious harm to

1 Defendants' minor users and resulted in serious harm to Plaintiff.

2 215. C.L. and children like her do not start using social media in the hopes of being
3 exposed to product features that cause harm to them. Yet the use of Instagram, Snapchat, and
4 TikTok involves harmful forms of social comparison and inevitably pushes such children
5 towards harmful "rabbit holes," causing anxiety, depression, eating disorders, and self-
6 harm—harms at least some of these Defendants acknowledge in internal documents.
7 Defendants' products caused these harms to C.L. and her father.

8 216. The harms at issue in this case do not relate to or arise from third party
9 content, but rather, Defendants' product features and designs, including algorithms and other
10 technology that (a) addicts minor users to their products; (b) amplify and promote harmful
11 social comparison through product features; (c) affirmatively select and promote harmful
12 content to vulnerable users based on its individualized demographic data and social media
13 activity; and (d) put minor users in contact with dangerous adult predators and otherwise
14 expose to them to seemingly unstoppable unwanted interactions from persons not on their
15 friend list or equivalent. Indeed, the foregoing are merely examples of the kinds of harms at
16 issue in this case.

17 217. Defendants' products are addictive on a content neutral basis. Defendants
18 design and operate their social media products in a manner intended to and that does change
19 behavior and addict users, including through a natural selection process that does not depend
20 on or require any specific type of third-party content, as well as mechanisms and features
21 meant to release dopamine. Defendants deliberately addict teen users and the harms resulting
22 from these addictions are foreseeable, even known, to Defendants.

23 218. Defendants have designed other product features for the purpose of
24 encouraging and assisting children in evasion of parental oversight, protection, and consent,
25 which features are wholly unnecessary to the operation of Defendants' product. This includes
26 but is not limited to Defendants' wholesale failure to check identification or verify validity
27 of user-provided email credentials, while simultaneously implementing product design
28 features (such as easier ability to switch between accounts, in the case of Meta) meant to

1 ensure easy access by children and teens, irrespective of parental consent. Likewise,
 2 Defendants—even those who claim to permit only one account—know that teen users are
 3 opening multiple accounts and fail to prevent such abuses.

4 219. Defendants also promote, encourage, and/or otherwise contribute to the
 5 development of harmful content. This Complaint has quoted from just a few of the thousands
 6 of Meta documents disclosed by the Facebook whistleblower, which establish this, and
 7 Plaintiff anticipates finding the same types of evidence in discovery with Meta, TikTok, and
 8 Snap. One of biggest hurdles to discovery of these claims and the harms Defendants have
 9 caused is that none of these defendants have ever been willingly transparent or cooperative
 10 regarding disclosure of their product designs and operations. In this manner too these
 11 defendants have actively concealed such harms.

12 220. Defendants also approve ads that contain harmful content and utilize private
 13 information of their minor users to precisely target them with content and recommendations,
 14 assessing what will provoke a reaction, including encouragement of destructive and
 15 dangerous behaviors. Again, Meta, Snap, and TikTok specifically select and push this
 16 harmful content, for which they are then paid, and do so both for that direct profit and to
 17 increase user engagement, resulting in more profits down the road.

18 221. Defendants know that their products can push children “all the way from just
 19 something innocent like healthy recipes to anorexia promoting content over a very short
 20 period of time.”²⁰ Defendants know that their products the content they are encouraging and
 21 helping to create is harmful to young users and choose “profits over safety”²¹ any way.

22 222. None of Plaintiff’s claims rely on treating Defendants as the publisher or
 23 speaker of any third party’s words or content. Plaintiff’s claims seek to hold these Defendants
 24 accountable for their own allegedly wrongful acts and omissions, not for the speech of others
 25 or for any good faith attempts on the part of these Defendants to restrict access to

26
 27 ²⁰ <https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript> (“October 5, 2021, Senate Hearing Transcript”), Ms. Francis Haugen at 00:37:34.

28 ²¹ *Id.* at 02:47:07.

1 objectionable content.

2 223. Plaintiff is not alleging that Defendants are liable for what the third parties
3 said, but for what Defendants did.

4 224. None of Plaintiff's Claims for Relief set forth herein treat Defendants as a
5 speaker or publisher of content posted by third parties. Rather, Plaintiff seeks to hold
6 Defendants liable for their own speech and their own silence in failing to warn of foreseeable
7 dangers arising from anticipate use of their products. Defendants could manifestly fulfill
8 their legal duty to design a reasonably safe social product and furnish adequate warnings of
9 foreseeable dangers arising out of the use of their products without altering, deleting, or
10 modifying the content of a single third- party post or communication. Some examples
11 include.

- 12 a. Not using their addictive and inherently dangerous algorithm and
13 similar technologies in connection with any account held by a user
14 under the age of 18.
- 15 b. Not permitting any targeted advertisements to any user under the age
16 of 18.
- 17 c. Prioritizing internally their removal of harmful content (content their
18 systems are promoting and amplifying) over the risk of losing some
19 user engagement.
- 20 d. Requiring identification upon opening of a new account, requiring
21 parental consent for users under the age of 18 (which Snap and TikTok
22 currently claim to do but do not actually enforce in any way), and
23 restricting users under the age of 18 to a single account. This is
24 something teens have even asked these companies to do for their
25 safety.
- 26 e. Requiring verification by email when a user opens a new account. Not
27 requiring verification allows underage users to access these social
28 media products and does not stop bad actors.

- 1 f. Immediate suspension of accounts where Defendants have reason to
2 know that the user is under the age of 13, including when the user
3 declares that they are under the age of 13 in their bio or comments or
4 chats and/or messages with any third party and where Defendants can
5 determine an “estimated” age of under 13 based on other information
6 they collect and/or have in their possession (including, for example,
7 posted videos that clearly feature children under 13); and not allowing
8 the account to resume until the user provides proof of age and identity
9 and/or parental consent.
- 10 g. Suspension of accounts and, in some cases, user bans, where
11 Defendants have reason to know that the user is over the age of 18,
12 but where they are providing information to suggest that they are
13 minors and/or are representing themselves as minors to other users;
14 and not allowing the account to resume until the user provides proof
15 of age and identity.
- 16 h. Removing social comparison features and/or hiding those features to
17 reduce their harmful impact on teen users.
- 18 i. Instituting advertising safeguards to ensure that Defendants are not
19 profiting directly from or otherwise pushing or endorsing harmful
20 advertising content, and removing advertising targeting tools so that
21 advertisers cannot harm vulnerable user groups by aiming harmful
22 advertisements at them.
- 23 j. Requiring that all teen user accounts be set to private and not allowing
24 any user under the age of 18 to change user settings to public.
- 25 k. Removing all friend and group and content recommendation systems
26 that involve teen users in any way (so, not recommending to teen
27 users, but also, not recommending teen users to adults) and not
28 permitting direct messaging, snaps, or other forms of direct

1 communication with any user under the age of 18 not already on the
2 other user's friend list.

3 225. These are just some examples, all of which could be accomplished easily
4 and/or at commercially reasonable cost. Defendants know that they can make these change
5 and, in many cases, have discussed these or similar changes internally. However, they have
6 not instituted these types of safety features because they know that doing so would impact
7 their astronomical revenue

8 VI. PLAINTIFF SPECIFIC ALLEGATIONS

9 A. C.L.'s Mental Harms Were Proximately Caused by Meta, Snap, and TikTok's 10 Inherently Dangerous Social Media Products

11 226. C.L is currently fourteen years old.

12 227. C.L. was a happy and outgoing child, who loved spending time with her
13 friends and family. She was the center of attention and thrived in the spotlight.

14 228. C.C. cannot be certain as to when his daughter opened each of her first social
15 media accounts, as he did not know about or consent to social media in his home. C.C. does,
16 however, believe that C.L. was nine years old (if not younger) when she opened her first
17 Instagram and Snapchat accounts, and nine or ten when she opened her first TikTok account.
18 All of these accounts, and any accounts currently used by C.L., were opened by C.C.'s minor
19 child without his knowledge or consent.

20 229. Defendants distribute and children obtain access to Defendants' social media
21 products via school computers, friends' devices, video game consoles and smart TVs, and
22 any other device on which a child can access wi-fi. On information and belief, C.L. learned
23 how to access Defendants' products and would sneak access any chance she was able.

24 230. Defendants knew or should have known that C.L. was under the age of 13.

25 231. Defendants knew or should have known that C.L. lacked parental consent.

26 232. C.L.'s secret use of and developing addiction to Defendants' products
27 coincided with a steady decline in her mental health.

28 233. As C.L. became more locked-in to and dependent upon Defendants' social

1 media products, she began to resent C.C. for not allowing her to use them. She was lying to
2 her father because of her growing addiction and had to maintain hyper vigilance to not get
3 caught. These types of behaviors are common in the case of addicts and were foreseeable by
4 Defendants when they knowingly designed and distributed, and then continued to distribute,
5 addictive products to children like C.L. Defendants distributed these products for their own
6 financial gain, despite knowledge of the harms they caused.

7 234. As C.L. became more dependent on Defendants' addictive-design social
8 media products, she felt like she couldn't sleep without them, which is common and
9 foreseeable for children and teens addicted to Defendants' products – a fact of which
10 Defendants also are aware. Eventually, C.L. would try to sneak access at night when C.C.
11 was sleeping, resulting in severe and harmful sleep deprivation, and resulting anxiety,
12 depression, and other mental harms.

13 235. When C.C. finally discovered C.L.'s use of Defendants' social media
14 products, there was nothing he could do to protect his daughter from them because of (1) her
15 already established level of addiction and (2) Defendants' refusal to stop distributing those
16 products to underage children and/or children under 18 who lack parental consent.

17 236. When C.C. attempted to exercise his parental rights, including by taking away
18 access to social media, C.L. had extreme reactions, including angry outbursts, physical
19 violence, and the threat of self-harm. On more than one occasion, C.L. made clear that C.C.
20 could not stop her from using Defendants' products, including by running away and putting
21 herself in harm's way by using other devices and free wi-fi to access social media when using
22 social media at home was no longer an option.

23 237. This is a harm millions of parents in the U.S. currently are suffering because
24 of how Defendants have designed their products. Defendants do not verify age, identity, or
25 parental consent. They do not even verify the existence of a valid email or phone number.
26 They also do not provide phone numbers and customer service representatives where a parent
27 can report use by a minor without parental consent, or even a reasonably accessible email.
28 And even when reported, Defendants do not automatically shut down accounts. Because of

1 Defendants' product designs, many parents do not know when an account exists and/or their
2 child's usernames, while Defendants, on the other hand, actively encourage and allow the
3 opening of multiple secret accounts (often referred to as FINSTA or SPAM accounts).
4 Defendants Meta has referred to these secret accounts as a "unique value proposition" – that
5 is, Defendants are able to increase their revenue significantly by simply disregarding their
6 own terms of service and the rights of parents in the U.S.

7 238. Plaintiff has been harmed by these inherently defective and harmful product
8 designs. Defendants are aware of the defects and resulting harms and have chosen to not
9 correct those issues despite the availability of unilateral changes that would keep children
10 safe. They have made these decisions based on cost-benefit analyses, in which Defendants
11 have chosen to value their own profits over human life.

12 239. C.L.'s dependency on the products Defendants knowingly continued to
13 distribute to her – despite her age, lack of parental consent, and harmful exposures and usage
14 – caused severe sleep deprivation, anxiety, depression, self-harm, suicidal ideation, and
15 attempted suicides. These are mental health harms caused by Defendants' products, a fact
16 the world is only just now learning about, but which Defendants Meta, Snap, and TikTok
17 knew or should have known for years based on their own research, findings, notifications,
18 and because of the way they designed their products.

19 240. As a result of her use of Defendants' products (as detailed above), C.L.
20 attempted suicide, *twice*. C.L. was admitted for inpatient treatment eight separate times,
21 including a four month stay at a facility in Texas. She has been physically and mentally
22 harmed by Defendants' inherently defective and harmful social media products.

23 241. At all times relevant, the Meta, Snap, and TikTok products directed users to
24 C.L. which users were not her friends, and, in some instances, those users exploited, bullied,
25 and/or abuses C.L., causing further emotional distress and mental harm. These are users C.L.
26 would never have met but for Defendants' recommendation algorithms, profile settings, and
27 direct message products and settings, as well as similar product features that are designed to
28 make Defendants' more money, but at the expense of a significant portion of their underage

1 users.

2 242. At all times relevant, Defendants' products identified and directed harmful
3 content to C.L. ranging from sexual and violent content to massive amounts of harmful social
4 comparison content, disordered eating content, and self-harm consent. This is content C.L.
5 was not looking for and did not want and would never have been exposed to but for
6 Defendants' programming of their recommendation technologies. Defendants have
7 programmed those technologies, specifically, to prioritize engagement over user safety, even
8 in the case of children and teens. Defendants' products are designed such that they then
9 further amplify such harms, including in how they present such materials (including
10 advertisements for which Defendants are paid directly) to users. For example only,
11 Defendant Meta has studied the issue and has determined that it is not any one piece of
12 content causing harm, but rather, the volume at which Meta sends the content, which
13 amplifies the harms to users like C.L. That is precisely what happened to C.L.

14 243. For example, in the case of Instagram, C.L. would open her account to find
15 her Explore page flooded with images of the "perfect" body – which images she did not
16 request, search for, or even want. Likewise, the TikTok product sent video after video in a
17 never-ending stream to C.L. on a continuous loop and such that C.L. would often sit down
18 meaning to view TikTok for a few minutes, only to look up and realize that more than an
19 hour had passed. More to the point, TikTok's recommendation technologies determined that
20 the best way to lock-in C.L. was to identify and push on her harmful eating disorder and self-
21 harm content. On information and belief, Snap likewise uses its technologies to recommend
22 content, which technologies Snap programs for engagement over user safety. On information
23 and belief, Defendants push this type of harmful content disproportionately to young girls
24 and women.

25 244. These are images and videos Defendants identified and aimed at C.L. for their
26 own profit, and where Defendants knew or should have known that Defendants' method of
27 delivery and identification and aiming of such content to persons like C.L. would result in
28 harm. These types of product features – and not any one piece of advertising or user content

1 – caused C.L. to engage in harmful social comparisons, which caused anxiety, depression,
2 and permanent damage to C.L.’s self-esteem and sense of self-worth.

3 245. As C.L. became more locked into Defendants’ harmful products, she lost
4 interest in all activities outside of social media, increasing her depression and anxiety and
5 causing her to feel more isolated and alone.

6 246. C.C. had no way of knowing what Defendants’ social media products were
7 doing to his daughter—while, in sharp contrast, Meta, Snap and TikTok knew or should have
8 known that they were causing these harms to C.L. including based on her age, usage
9 information, and/or usage patterns—which each of these defendants collects and, on
10 information and belief, closely tracks—and/or content to which each of these defendants
11 were repeatedly exposing her via unsolicited methods, such as push notifications and
12 algorithmically driven recommendation systems.

13 247. Defendants Meta, Snap and TikTok knew or should have known that C.L.
14 was under the age of 13 yet failed to restrict her access or notify her parent of her harmful
15 use and account status.

16 248. Defendants Meta, Snap and TikTok identified and amplified harmful content,
17 resulting in depression, anxiety, lower self-confidence, suicidal ideation, and attempted
18 suicide.

19 249. But for Meta, Snap, and TikTok’s failure to conduct a reasonable age
20 verification, C.L. would not have been exposed to the harmful features and design of their
21 respective social media products.

22 250. But for certain product features (to name only a few examples, Facebook,
23 Instagram, and TikTok’s “like” features and Snapchat’s “Snap Streak” feature, as well as all
24 four defendants’ amplification of harmful social comparison content based on the sheer
25 volume it directs to young users), C.L. would not have experienced the addiction or the
26 anxiety and depression that stem from harmful social comparison designs.

27 251. But for the recommendation, public profile, and direct messaging settings
28 designed, implemented, and utilized by all four of the social media products at issue, C.L.

1 would not have suffered exploitation and bullying by strangers utilizing Defendant Meta,
2 Snap, and TikTok's products for that purpose and in a foreseeably damaging manner – that
3 is, Defendants' products affirmatively connect complete strangers to minors and then provide
4 those strangers with unsupervised and unfettered access to those minors. C.L. would not have
5 been subjected to those persons and harmful interactions but for Defendants' products,
6 programming, and operation of the same.

7 252. But for the endless feed and explore features characteristic of these social
8 media products, C.L. would not have experienced the harmful dependencies that these
9 features were designed to promote, or the sleep deprivation, anxiety, depression, and related
10 stressors and harms.

11 253. As a proximate result of her addiction to Instagram, Snapchat, and TikTok and
12 specifically due to the engineered addiction and recommendations and content these defendants
13 selected and showed to C.L., a minor user, C.L. subsequently developed injuries including,
14 but not limited to, multiple periods of suicidal ideation, anxiety, fatigue, and inability to
15 sleep, resulting in serious physical and emotional harms.

16 254. Defendants Meta and Snap have also designed their products, including by
17 disappearing or time-sensitive messaging features, to frustrate parents like C.C. from
18 exercising their parental rights to monitor, protect, and ensure the safety of their children.

19 255. Defendants have specifically designed their products to allow minors to use,
20 become addicted to, and abuse their products without consent of parents like C.C.

21 256. Defendants Meta, Snap, and TikTok have specifically designed their products
22 to be appealing to minors but failed to exercise the ordinary care owed to underage business
23 invitees to prevent the rampant, foreseeable, and deleterious impact on minors, like C.L., that
24 such products have because of their objectives and design.

25 257. Neither C.L. nor C.C. were aware of the clinically addictive and harmful
26 effects of these products when C.L. began to use them.

27 258. Defendants failed to warn C.L. and C.C. of the dangers of addiction, sleep
28 deprivation, problematic use, harmful social comparison features and risk of exploitation and

1 abuse due to their product features and settings, and misrepresented the safety, utility, and
 2 non-addictive properties of their products. See examples, *infra*.

3 259. As a result of C.L.'s extensive and problematic use of the Meta, Snap, and
 4 TikTok social media products, she has developed numerous mental health conditions what
 5 she will struggle with for the rest of her life. This includes but is not limited to her ongoing
 6 addiction to these products, which is severe to the point of causing physical discomfort when
 7 C.L. does not have access and will likely require professional treatment, as well as anxiety,
 8 depression, and related harms.

9 **VII. PLAINTIFF'S CLAIMS**

10 **COUNT I - STRICT PRODUCT LIABILITY (Design Defect)**

11 260. Plaintiff realleges each and every allegation contained in paragraphs 1
 12 through 259 as if fully stated herein.

13 261. Under Restatement (Second) of Torts § 402(a) and California law, one who
 14 sells any product in a defective condition unreasonably dangerous to the user is subject to
 15 liability for physical harm thereby caused to the user if (a) the seller is engaged in the
 16 business of selling such a product, and (b) it is expected to and does reach the user or
 17 consumer without substantial change in the condition which it was sold.

18 262. Defendants' products are defective because the foreseeable risks of harm
 19 posed by the product's design could have been reduced or avoided by the adoption of a
 20 reasonable alternative design by Defendants and the omission of the alternative design
 21 renders the product not reasonably safe. These defective conditions rendered these products
 22 unreasonably dangerous to persons or property and existed at the time the product left
 23 Defendants' control, reached the user or consumer without substantial change in the
 24 condition and its defective condition was a cause of Plaintiff's injuries.

25 263. Defendants designed, manufactured, marketed, and sold social media
 26 products that were unreasonably dangerous because they were designed to be addictive to
 27 the minor users to whom Defendants actively marketed and because the foreseeable use of
 28 Defendants' products causes mental and physical harm to minor users.

1 264. Defendants' products were unreasonably dangerous because they contained
 2 numerous design characteristics that are not necessary for the utility provided to the user but
 3 are unreasonably dangerous and implemented by Defendants solely to increase the profits
 4 they derived from each additional user and the length of time they could keep each user
 5 dependent on their product.

6 **A. Inadequate Safeguards From Harmful and Exploitative Content**

7 265. Facebook, Instagram, Snapchat, and TikTok are defectively designed.

8 266. As designed, Facebook, Instagram, Snapchat, and TikTok algorithms and
 9 other product features are not reasonably safe because they affirmatively direct minor users
 10 to harmful and exploitative content while failing to deploy feasible safeguards to protect
 11 vulnerable teens from such harmful exposures. It is feasible to design an algorithm and
 12 technologies that substantially distinguish between harmful and innocuous content and
 13 protect minor users from being exposed to harmful content without altering, modifying, or
 14 deleting any third-party content posted on Defendants' social media products. The cost of
 15 designing these products to incorporate this safeguard would be negligible while benefit
 16 would be high in terms of reducing the quantum of mental and physical harm sustained by
 17 minor users and their families.

18 267. As designed, Facebook, Instagram, Snapchat, and TikTok algorithms and
 19 other product features are not reasonably safe because they affirmatively direct and
 20 recommend minor users to harmful groups and other users, while failing to deploy feasible
 21 safeguards to protect vulnerable teens from such harmful exposures. It is feasible to design
 22 an algorithm and technologies that do not make harmful connection recommendations to
 23 minor users, or any connection recommendations at all; it is feasible to design algorithm and
 24 technologies that do not direct harmful groups to minor users, or any group recommendations
 25 at all; and it is feasible to restrict access to minor users by strangers and adult users via direct
 26 messaging, to restrict and limit such access to users already on a minor user's "friend" list,
 27 or to prevent such access altogether. Defendants know that these product features cause a
 28 significant number of harms to their minor users, such as sexual exploitation, bullying, and

1 encouragement of self-harm and suicide – all of which are at issue in this case.

2 268. Defendants also engage in conduct, outside of the algorithms and related
3 technologies themselves, that is designed to promote harmful and exploitative content as a
4 means of increasing their revenue from advertisements. This includes but is not limited to
5 efforts to encourage advertisers to design ads that appeal to minors, including teens like C.L.
6 and product design features intended to attract and engage minor users to these virtual spaces
7 where harmful ad content is then pushed to those users in a manner intended to increase user
8 engagement, thereby increasing revenue to Defendants at the direct cost of user wellbeing.

9 269. Reasonable users (and their parents) would not expect that Defendants'
10 products would knowingly expose them to such harmful content and/or that Defendants'
11 products would direct them to harmful content at all, much less in the manipulative and
12 coercive manner that they do. Defendants have and continue to knowingly use their
13 algorithms and other technologies on users in a manner designed to affirmatively change
14 their behavior, which methods are particularly effective on (and harmful to) Defendants'
15 youngest users.

16 **B. Failure to Verify Minor Users' Age and Identity**

17 270. Facebook, Instagram, Snapchat, and TikTok are defectively designed.

18 271. As designed, Defendants' products are not reasonably safe because they do
19 not provide for adequate age verification by requiring users to document and verify their age
20 and identity.

21 272. Adults frequently set up user accounts on Defendants' social media products
22 disguising their identity and/or posing as minors to groom unsuspecting minors to exchange
23 sexually explicit content and images, which frequently progresses to sexual exploitation and
24 trafficking, and commercial sex acts.

25 273. Minor users of social media and their parents do not reasonably expect that
26 prurient adults set up fraudulent accounts on Defendants' social media products and pose as
27 minors for malign purposes.

28 274. Likewise, minor users whose parents have taken affirmative steps to keep

1 them away from Defendants' products often open multiple accounts, such that Defendants
2 know or have reason to know that the user is underage and/or does not have parental
3 permission to use their product. Defendants already have the information and means they
4 need to ascertain with reasonable certainty their users' actual age. Defendants utilize these
5 tools to investigate, assess, and report on percentages and totals of underage users for internal
6 assessment purposes. They then choose to simply do nothing about that information as it
7 relates to the specific, underaged users themselves.

8 275. Reasonably accurate age and identity verification is not only feasible but
9 widely deployed by online retailers and internet service providers. Defendants not only can
10 estimate the age of their users, but they do.

11 276. The cost of incorporating age and identify verification into Defendants'
12 products would be negligible, whereas the benefit of age and identity verification would be
13 a substantial reduction in severe mental health harms, sexual exploitation, and abuse among
14 minor users of Defendants' products.

15 **C. Inadequate Parental Control and Monitoring**

16 277. Facebook, Instagram, Snapchat, and TikTok are defectively designed.

17 278. Defendants have intentionally designed products to frustrate the exercise of
18 parental responsibility by their minor users' parents. Parents have a right to monitor their
19 children's social media activity to protect them from harm. Defendants have designed
20 products that make it difficult, if not impossible, for parents to exercise parental
21 responsibility.

22 279. It is feasible to design a social media product that requires parental consent
23 for users under the age of 18 and prohibits users under the age of 13.

24 280. Defendants' products are also defective for lack of parental controls,
25 permission, and monitoring capability available on many other devices and applications.

26 281. Defendants' products are designed with specific product features intended to
27 prevent and/or interfere with parents' reasonable and lawful exercise of parental control,
28 permission, and monitoring capability available on many other devices and applications.

D. Intentional Direction of Minor Users to Harmful and Exploitative Content

282. Facebook, Instagram, Snapchat, and TikTok are defectively designed.

283. Default “recommendations” communicated to new teenage users, including C.L. purposefully steered her toward content Defendants knew to be harmful to children of this age and gender.

284. Ad content pushed to new minor users, including C.L. because of her age and vulnerability, purposefully steer those users toward content Defendants know to be harmful to children of her age and gender.

E. Design of Addictive Social Media Products

285. Facebook, Instagram, Snapchat, and TikTok are defectively designed.

286. As designed, Defendants’ social media products are addictive to minor users as follows: When minors use design features such as “likes” or “streaks” it causes their brains to release dopamine, which creates short term euphoria. However, as soon as dopamine is released, minor users’ brains adapt by reducing or “downregulating” the number of dopamine receptors that are stimulated and their euphoria is countered by dejection. In normal stimulatory environments, this dejection abates, and neutrality is restored. However, Defendants’ algorithms are designed to exploit users’ natural tendency to counteract dejection by going back to the source of pleasure for another dose of euphoria. As this pattern continues over a period of months and the neurological baseline to trigger minor users’ dopamine responses increases, they continue to use the social media products at issue, not for enjoyment, but simply to feel normal. Once they stop using these products, minor users experience the universal symptoms of withdrawal from any addictive substance including anxiety, irritability, insomnia, and craving.

287. Addiction is not restricted to a substance abuse disorders. Rather, the working definition of addiction promulgated in the seminal article Addictive behaviors: Etiology and Treatment published by the American Psychological Association in its 1988 Annual Review of Psychology defines addiction as,

1 a repetitive habit pattern that increases the risk of disease and/or associated
2 personal and social problems. Addictive behaviors are often experienced
3 subjectively as ‘loss of control’ – the behavior contrives to occur despite
4 volitional attempts to abstain or moderate use. These habit patterns are typically
5 characterized by immediate gratification (short term reward), often coupled with
6 delayed deleterious effects (long term costs). Attempts to change an addictive
7 behavior (via treatment or self-initiation) are typically marked with high relapse
8 rates.

9 288. Addiction researchers agree that addiction involves six core components:
10 (1) salience—the activity dominates thinking and behavior; (2) mood modification—the
11 activity modifies/improves mood; (3) tolerance—increasing amounts of the activity are
12 required to achieve previous effects; (4) withdrawal—the occurrence of unpleasant feelings
13 when the activity is discontinued or suddenly reduced; (5) conflict—the activity causes
14 conflicts in relationships, in work/education, and other activities; and (6) relapse—a
15 tendency to revert to earlier patterns of the activity after abstinence or control.

16 289. Social media addiction has emerged as a problem of global concern, with
17 researchers all over the world conducting studies to evaluate how pervasive the problem is.
18 Addictive social media use is manifested when a user (10 becomes preoccupied by social
19 media (salience); (2) uses social media in order to reduce negative feelings (mood
20 modification); (3) gradually uses social media more and more in to get the same pleasure
21 from it (tolerance/craving); (4) suffers distress if prohibited from using social media
22 (withdrawal); (5) sacrifices other obligations and/ or cases harm to other important life areas
23 because of their social media use (conflict/functional impairment); and (6) seeks to curtail
24 their use of social media without success (relapse/loss of control).

25 290. The Bergen Facebook Addiction Scale (BFAS) was specifically developed
26 by psychologists in to assess subjects’ social media use using the aforementioned addiction
27 criteria, and is by far the most widely used measure of social media addiction. Originally
28 designed for Facebook, BFAS has since been generalized to all social media. BFAS has been
translated into dozens of languages, including Chinese, and is used by researchers throughout
the world to measure social media addiction.

29 291. BFAS asks subjects to consider their social media usage with respect to the

1 six following statements and answer either (1) very rarely, (2) rarely, (3) sometimes, (4)
 2 often, or (5) very often,

- 3 a. You spend a lot of time thinking about social media or planning how
 4 to use it.
- 5 b. You feel an urge to use social media more and more.
- 6 c. You use social media in order to forget about personal problems.
- 7 d. You have tried to cut down on the use of social media without success.
- 8 e. You become restless or troubled if you are prohibited from using
 9 social media.
- 10 f. You use social media so much that it has had a negative impact on
 11 your job/studies.

12 Subjects who score a “4” or “5” on at least 4 of those statements are deemed to suffer from social
 13 media addiction.

14 292. Addictive use of social media by minors is psychologically and
 15 neurologically analogous to internet gaming disorder as described in the American
 16 Psychiatric Association's 2013 Diagnostic and Statistical Manual of Mental Disorders
 17 (DSM-5), which is used by mental health professionals to diagnose mental disorders.
 18 Gaming addiction is a recognized mental health disorder by the World Health Organization
 19 and International Classification of Diseases and is functionally and psychologically
 20 equivalent to social media addiction.

21 293. The diagnostic symptoms of social media addiction among minors are the
 22 same as the symptoms of addictive gaming referenced in DSM 5 and include:

- 23 a. Preoccupation with social media and withdrawal symptoms (sadness,
 24 anxiety, irritability) when device is taken away or not possible.
- 25 b. Tolerance, the need to spend more time using social media to satisfy
 26 the urge.
- 27 c. Inability to reduce social media usages, unsuccessful attempts to quit
 28 gaming.

- d. Giving up other activities, loss of interest in previously enjoyed activities due to social media usage.
- e. Continuing to use social media despite problems.
- f. Deceiving family members or others about the amount of time spent on social media.
- g. The use of social media to relieve negative moods, such as guilt or hopelessness; and
- h. Jeopardized school or work performance or relationships due to social media usage.

294. Defendants' advertising profits are directly tied to the quantity of their users' online time and engagement, and their algorithms and other product features are designed to maximize the time users spend using the product by directing them to content that is progressively more and more stimulative. Defendants enhance advertising revenue by maximizing users' time online through a product design that addicts them to the platform. However, reasonable minor users and their parents do not expect that online social media platforms are psychologically and neurologically addictive.

295. It is feasible to make Defendants' products not addictive to minor users by turning off the algorithms, limiting the frequency and duration of access, and suspending service during sleeping hours. Designing software that limits the frequency and duration of minor users' screen use and suspends service during sleeping hours could be accomplished at negligible cost; whereas the benefit of minor users maintaining healthy sleep patterns would be a significant reduction in depression, attempted and completed suicide, and other forms self-harm among this vulnerable age cohort.

F. Inadequate Notification of Parents of Dangerous and Problematic Social Media Usage by Minor Users

296. Facebook, Instagram, Snapchat, and TikTok are defectively designed.

297. Defendants' products are not reasonably safe as designed because they do not include any safeguards to notify users and their parents of usage that Defendants knows to

1 be problematic and likely to cause negative mental health effects to users, including
2 excessive passive use and use disruptive of normal sleep patterns. This design is defective
3 and unreasonable.

4 298. It is reasonable for parents to expect that social media companies that actively
5 promote their platforms to minors will undertake reasonable efforts to notify parents when
6 their child's use becomes excessive or occurs during sleep time. It is feasible for Defendants
7 to design a product that identifies a significant percentage of its minor users who are using
8 the product more than three hours per day or using it during sleeping hours at negligible cost.

9 299. Defendants' products are not reasonably safe as designed because, despite
10 numerous reported instances of child sexual solicitation and exploitation by adult users,
11 Defendants have not undertaken reasonable design changes to protect underage users from
12 this abuse, including notifying parents of underage users when they have been messaged or
13 solicited by an adult user or when a user has sent inappropriate content to minor users.

14 300. Defendants' entire business is premised upon collecting and analyzing user
15 data and it is feasible to use Defendants' data and algorithms and other technologies to
16 identify and restrict improper sexual solicitation, exploitation, and abuse by adult users.

17 301. Moreover, it is reasonable for parents to expect that platforms such as
18 Instagram, Snapchat, and TikTok, which actively promote their services to minors, will
19 undertake reasonable efforts to identify users suffering from mental injury, self-harm, or
20 sexual abuse and implement technological safeguards to notify parents by text, email, or
21 other reasonable means that their child is in danger.

22 302. As a proximate result of these dangerous and defective design attributes of
23 Defendants' product, C.L. suffered and is continuing to suffer mental harm. Plaintiff did not
24 know, and in the exercise of reasonable diligence could not have known, of these defective
25 design in Defendants' products until late 2021.

26 303. As a result of these dangerous and defective design attributes of Defendants'
27 products, Plaintiff C.C. has suffered emotional distress and pecuniary hardship due to his
28 child's mental harms.

1 304. Defendants are further liable to Plaintiff for punitive damages based upon the
 2 willful and wanton design of their products that were intentionally marketed and sold to
 3 underage users, whom they knew would be seriously harmed through their use of Instagram,
 4 Snapchat, and TikTok.

5 **COUNT II – STRICT PRODUCT LIABILITY (Failure to Warn)**

6 305. Plaintiff realleges each and every allegation contained in paragraphs 1
 7 through 304 as if fully stated herein.

8 306. Defendants' products are defective because of inadequate instructions or
 9 warnings because the foreseeable risks of harm posed by these products could have been
 10 reduced or avoided by the provision of reasonable instructions or warnings by the
 11 manufacturer and the omission of the instructions or warnings renders the product not
 12 reasonably safe. This defective condition rendered the products unreasonably dangerous to
 13 persons or property, existed at the time the products left Defendants' control, reached the
 14 user or consumer without substantial change in the condition in which they were sold, and
 15 were a cause of Plaintiff's injuries.

16 307. Defendants' products are unreasonably dangerous and defective because they
 17 contain no warning to users or parents regarding the addictive design and effects of
 18 Instagram, Snapchat, and TikTok.

19 308. Defendants' social media product rely on highly complex and proprietary
 20 algorithms and similar technologies that are both undisclosed and unfathomable to ordinary
 21 consumers, who do not expect that social media platforms are physically and/or
 22 psychologically addictive.

23 309. The magnitude of harm from addiction to Defendants' product is horrific,
 24 ranging from simple diversion from academic, athletic, and face-to-face socialization to sleep
 25 loss, severe depression, anxiety, self-harm, and suicide.

26 310. The harms resulting from minors' addictive use of social media platforms
 27 have been not only well-documented in the professional and scientific literature, but
 28 Defendants had actual knowledge of such harms.

1 311. Defendants' products are unreasonably dangerous because they lack any
2 warnings that foreseeable product use can disrupt healthy sleep patterns or specific warnings
3 to parents when their child's product usage exceeds healthy levels or occurs during sleep
4 hours. Excessive screen time is harmful to adolescents' mental health and sleep patterns and
5 emotional well-being. Reasonable and responsible parents are not able to accurately monitor
6 their child's screen time because most adolescents own or can obtain access to mobile
7 devices and engage in social media use outside their parents' presence.

8 312. It is feasible for Defendants' products to report the frequency and duration of
9 their minor users' screen time to their parents without disclosing the content of
10 communications at negligible cost, whereas parents' ability to track the frequency, time and
11 duration of their minor child's social media use are better situated to identify and address
12 problems arising from such use and to better exercise their rights and responsibilities as
13 parents.

14 313. Defendants knew about these harms, knew that users and parents would not
15 be able to safely use their products without warnings, and failed to provide warnings that
16 were adequate to make the product reasonably safe during ordinary and foreseeable use by
17 children.

18 314. As a result of Defendants' failure to warn, C.L suffered and continue to suffer
19 severe mental harm from her use of Facebook, Instagram, Snapchat, and TikTok.

20 315. As a result of Defendants' failure to warn, Plaintiff C.C. has suffered
21 emotional distress and pecuniary hardship due to his child's mental harm resulting from
22 social media addiction.

23 316. Defendants are further liable to Plaintiff for punitive damages based upon
24 their willful and wanton failure to warn of known dangers of their products that were
25 intentionally marketed and sold to teenage users, whom they knew would be seriously
26 harmed through their use of Facebook, Instagram, Snapchat, and TikTok.

27 **COUNT III – NEGLIGENCE**

28 317. Plaintiff realleges each and every allegation contained in paragraphs 1

1 through 316 as if fully stated herein.

2 318. At all relevant times, Defendants had a duty to exercise reasonable care and
3 caution for the safety of individuals using their products, such as C.L.

4 319. Defendants owe a heightened duty of care to minor users of their social media
5 products because adolescents' brains are not fully developed, which results in a diminished
6 capacity to make good decisions regarding their social media usages, eschew self-destructive
7 behaviors, and overcome emotional and psychological harm from negative and destructive
8 social media encounters.

9 320. As product manufacturers marketing and selling products to consumers,
10 Defendants owed a duty to exercise ordinary care in the manufacture, marketing, and sale of
11 their products, including a duty to warn minor users and their parents of hazards that
12 Defendants knew to be present, but not obvious, to underage users and their parents.

13 321. As business owners, Defendants owe their users who visit their social media
14 platforms and from whom they derive billions of dollars per year in advertising revenue a
15 duty of ordinary care substantially similar to that owed by physical business owners to its
16 business invitees.

17 322. Defendants were negligent, grossly negligent, reckless and/or careless in that
18 they failed to exercise ordinary care and caution for the safety of underage users, like C.L.,
19 using their social media products.

20 323. Defendants were negligent in failing to conduct adequate testing and failing
21 to allow independent academic researchers to adequately study the effects of their products
22 and levels of problematic use amongst teenage users. Defendants know that their products
23 are harmful, cause extensive mental harm, and that minor users are engaging in problematic
24 and addictive use that their parents are helpless to monitor and prevent.

25 324. Defendants are negligent in failing to provide adequate warnings about the
26 dangers associated with the use of social media products and in failing to advise users and
27 their parents about how and when to safely use their social media platforms and features.

28 325. Defendants are negligent in failing to fully assess, investigate, and restrict the

1 use of their social media products by adults to sexually solicit, abuse, manipulate, and exploit
2 minor users of their social media products.

3 326. Defendants are negligent in failing to provide users and parents the tools to
4 ensure their social media products are used in a limited and safe manner by underage users.

5 327. As a result of Defendants' negligence, C.L. suffered and continue to suffer
6 severe mental harm from their use of Facebook, Instagram, Snapchat, and TikTok.

7 328. As a result of Defendants' negligence, Plaintiff C.C. suffered emotional
8 distress and pecuniary hardship due to his child's mental harm resulting from social media
9 addiction.

10 329. Defendants are further liable to Plaintiff for punitive damages based upon its
11 willful and wanton conduct toward underage users, including C.L. whom they knew would
12 be seriously harmed through use of their social media products.

13 **COUNT IV – VIOLATIONS OF CALIFORNIA'S UNFAIR COMPETITION LAW**

14 **(Cal. Bus. & Prof. Code §§ 17200, et seq.)**

15 330. Plaintiff realleges each and every allegation contained in paragraphs 1
16 through 329 as if fully stated herein.

17 331. Defendants are corporations, and thus a "person," as defined by California
18 Business & Professions Code § 17201.

19 332. The UCL prohibits all conduct that is unlawful, unfair, or fraudulent.

20 333. Defendants' conduct is unlawful as set forth in Counts I–III, above.

21 334. Defendants' conduct is unlawful also because it has knowledge of users under
22 the age of 13 on its platform and, in fact, actively targets, markets to, and encourages use of
23 its social media product by minors under the age of 13.

24 335. Defendants engaged in fraudulent and deceptive business practices in
25 violation of the UCL by promoting products to underage users, including C.L., while
26 concealing critical information regarding the addictive nature and risk of harm these products
27 pose. Defendants knew and should have known that its statements and omissions regarding
28 the addictive and harmful nature of its product were misleading and therefore likely to

1 deceive the members of the public who use Defendants' products and who permit their
2 underage children to use Defendants' products.

3 336. Defendants' practices are unfair and violate the UCL because they offend
4 established public policy, and because the harm these practices cause to consumers greatly
5 outweighs any benefits associated with them.

6 337. Defendants' conduct has resulted in substantial injuries that Plaintiff could
7 not reasonably have avoided because of Defendants' deceptive conduct. This substantial
8 harm is not outweighed by any countervailing benefits to consumers or competition.

9 338. As a direct and proximate result of the foregoing acts and practices,
10 Defendants have received, or will receive, income, profits, and other benefits, which it would
11 not have received if it had not engaged in the violations of the UCL described herein. As a
12 direct and proximate result of the foregoing acts and practices, Defendants have also obtained
13 an unfair advantage over similar businesses that have not engaged in such practices.

14 339. As a result of Defendants' UCL violations, Plaintiff has suffered injury in fact
15 and lost money as set forth herein.

16 340. Accordingly, Plaintiff seeks injunctive and equitable relief to halt and remedy
17 Defendants' unlawful, fraudulent, and unfair conduct.

18 **COUNT V- UNJUST ENRICHMENT**

19 341. Plaintiff realleges each and every allegation contained in paragraphs 1
20 through 340 as if fully stated herein.

21 342. As a result of Defendants' conduct detailed herein, Defendants received a
22 benefit. Because Defendants advertising profits are directly tied to the number of user
23 accounts and the amount of time those users spend on their products, Defendants benefited
24 directly from C.L.'s problematic use of their products from the amount of time C.L. spent on
25 their products, without C.C.'s knowledge or consent.

26 343. It would be unjust and inequitable for Defendants to retain the ill-gotten
27 benefits at Plaintiff's expense and in light of Defendants' acts and omissions described
28

1 herein.

2 344. Accordingly, Plaintiff seeks damages in an amount to be proven at trial.

3 **COUNT VI – INVASION OF PRIVACY**

4 **(California Constitutional Right to Privacy, Cal. Const. Art. 1, § 1)**

5 345. Plaintiff realleges each and every allegation contained in paragraphs 1
6 through 344 as if fully stated herein.

7 346. Defendants intentionally intruded upon Plaintiff's solitude, seclusion, or
8 private affairs by knowingly designing its product with features that were intended to, and
9 did, frustrate parents' ability to monitor and control their children's social media usage.

10 347. These intrusions are highly offensive to a reasonable person, particularly
11 given Defendants' interference with the fundamental right of parenting and its exploitation
12 of children's special vulnerabilities for commercial gain.

13 348. Plaintiff was harmed by Defendants' invasion of privacy, as detailed herein.

14 349. Plaintiff therefore seeks compensatory and punitive damages in amounts to
15 be determined at trial, as well as injunctive relief requiring Defendants to cease the harmful
16 practices described throughout this complaint.

17 **DEMAND FOR JURY TRIAL**

18 Plaintiff hereby demands a trial by jury.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment against Defendants for relief as follows:

- 21 1. Past physical and mental pain and suffering of C.L in an amount to be more
22 readily ascertained at the time and place set for trial.
- 23 2. Past physical and mental pain and suffering of C.C., in an amount to be more
24 readily ascertained at the time and place set for trial.
- 25 3. Monetary damages suffered by C.C.
- 26 4. Punitive damages.
- 27 5. For the reasonable costs and attorney and expert/consultant fees incurred in this
28 action.

- 1 6. For injunctive relief including prohibition of each of the following,
- 2 a) Distribution to any user without a verified email address.
- 3 b) Distribution to any user without a verified phone number.
- 4 c) Distribution to any user without proof of identity or, in the case of users
- 5 under the age of 18, proof of consent by a parent or guardian.
- 6 d) Distribution to any user under the age of 18 without also obtaining a
- 7 verified email address and phone number for the user's parent or guardian.
- 8 e) Distribution to any user under the age of 18 where a parent or guardian has
- 9 provided written (including email) notice that their child does not have
- 10 permission to use Defendants' social media product (also requiring
- 11 Defendants to provide a physical and email address where notices can be
- 12 sent).
- 13 f) For users under the age of 18, distribution of any social media product for
- 14 more than two hours in a 24-hour period.
- 15 g) For users under the age of 18, distribution of any social media product
- 16 during the hours of 11 p.m. and 6 a.m., utilizing the time zone where the
- 17 minor user is reasonably believed to be located and/or the time zone
- 18 applicable at the time the account was opened.
- 19 h) For users under the age of 16, distribution of any social media product
- 20 during any times of day not approved by the minor user's parent or
- 21 guardian.
- 22 i) For users under the age of 16, access to any "group" that is not publicly
- 23 visible (also requiring Defendants to provide separate, email notice to the
- 24 parent or guardian each time the user joins a new group).
- 25 j) Distribution to any user of more than one account.
- 26 k) Distribution to any user over the age of 18, but who has been found to
- 27 have represented or claimed on their profile, postings, or in messaging
- 28 features that they are under the age of 18.

- 1 l) Distribution to any user on the sex offender registry list.
- 2 m) Use of algorithms and similar technologies to identify, suggest, direct, or
- 3 provide unsolicited content to any user under the age of 18.
- 4 n) Use of algorithms and similar technologies to rank or order any content
- 5 shown to any user under the age of 18 except via objective and transparent
- 6 methods, for example, ranking in chronological order.
- 7 o) Use of visible “likes” and similar reaction and social comparison features.
- 8 p) Use of any feature that requires users to log onto the product at specific
- 9 days, times, or durations to maintain any form of status, standing, or
- 10 rewards, including but not limited to the Snap Streak feature.
- 11 q) Use of any feature that promises or offers hidden rewards, i.e. rewards
- 12 where the identity or nature of the reward is not known ahead of time, like
- 13 Trophies.
- 14 r) Use of avatars, emojis, cartoons, or any other aesthetic feature that
- 15 foreseeably targets or appeals to minors.
- 16 s) Conditioning use of any game provided on opening of a social media
- 17 account.
- 18 t) Targeting of advertisements based on gender and/or protected class status.
- 19 u) Targeting of any content whatsoever based on protected class status.
- 20 v) Marketing to any person under the age of 18.
- 21 w) Collection of any consumer-related data from any third party relating to
- 22 any user under the age of 18.
- 23 x) Provision of any consumer-related data to any third party relating to any
- 24 user under the age of 18.
- 25 y) Collection of any data about any user under the age of 18 from any source,
- 26 except for information provided at account opening, account activities and
- 27 communications, and other data reasonably necessary to operate the social
- 28 media product.

- 1 z) Approval, distribution, and/or creation or encouragement of harmful
2 advertising content, including but not limited to content that encourages
3 drug use or eating disorders.
- 4 aa) For users under the age of 18, any setting that makes the account public or
5 in any way visible to any person not specifically “connected” to the user.
- 6 bb) For users under the age of 18, any setting or tool through which
7 communication is allowed with any person not already “connected” to the
8 minor user. This includes but is not limited to thinks like Messenger,
9 Direct Messaging, Snaps, and similar direct communication features.
- 10 cc) For users under the age of 16, any feature of setting that allows them to a
11 “connect” with any other user absent parental consent and confirmation of
12 parental consent to the “connection.”
- 13 dd) Use of any friend, connection, or follow recommendation tool in
14 connection with any user under the age of 18, which means not making
15 recommendations to the minor user and not making recommendations
16 about the minor user.
- 17 ee) Use of any group, page, or subject matter recommendation tool in
18 connection with any user under the age of 18, which means not making
19 recommendations to the minor user and not making recommendations
20 about the minor user.
- 21 ff) Use of any disappearing, expiring, or automatic deletion features on any
22 communications or communication content sent to or received by any user
23 under the age of 18.
- 24 gg) Use of any feature that allows any user under the age of 18 to restrict
25 access to content or otherwise conceal content from others, for example,
26 the Snapchat My Eyes Only Feature
- 27 hh) Use of any feature that tracks and/or shares the location of any user under
28 the age of 18.

- ii) Use of any feature that allows any user under the age of 16 to send or receive money or any cash equivalent.
- jj) Deletion of any identification or user information collected about any user under the age of 18 (and requiring provision of all such within three (3) business days of any written request by parent or guardian).
- kk) Deletion of any identification of any account activity data for any account held by any user under the age of 18 (and requiring provision of all such within five (5) business days of any written request by parent or guardian).
- ll) Deletion of any communications sent or received by any user under the age of 18, including the communication as well as any content included in or linked to the communication (and requiring provision of all such communications within three (3) business days of any written request by parent or guardian).
- mm) Use of any push notifications or reminders or other notifications relating to activity taking place on social media.
- nn) Use of any workflows that discourage any user from closing their account.
- oo) Sending of any communication to any user under the age of 18 that is not also sent to that user's parent or guardian.

7. For such other and further relief as this Court deems just and equitable.

Dated: August 17, 2022.

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